



Transformations in International Civil Society Organisations Working Towards a Greater Access and Use of Governmental Informational Resources

By

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ABSTRACT

In less than a decade, the concept of accessing governmental information has been extended beyond mere access to information (via Freedom of information/FOI legislation) to demands for raw digital data, known as Open Government Data (OGD).

The predominant legal orientation in the FOI field has until recently ignored or downplayed the role of organised civil society actors (Non-governmental Organisations/NGOs) in the literature. On the other hand, in relation to OGD, the level and dynamic interplay of the field has outpaced the capacity of scholars to supply rigorous analysis of OGD developments particularly in relation to NGOs. This thesis seeks to fill that gap in terms of knowledge regarding NGOs working (internationally) on the access to and use of government information and data, as key players in policy diffusion processes.

In particular, the literature shows that ICT has a profound impact on the structure of all organisations. Due to the limited scholarship in these areas (NGOs in FOI and OGD and the impact of ICT in these organisations), elements from the existing research on other aspects of FOI and NGOs are included, together with elements of the impact of ICT in other organisations.

The influence of ICT in these international organisations highlights the differences not only between FOI and OGD but also among organisations. This thesis presents two different levels of analysis in order to explain the differences not only between the organisation working in FOI and OGD but also the divergences within in each of the fields. After analysing some of the common features of professionalised NGOs, divergences between both fields arise. In that sense, the strong legal background of the main FOI organisations, as well as within individual advocates, influenced the approach to the advocacy and the tools to reach new countries and regions. On the other hand, the critical overview of some of the main

international actors in the OGD field demonstrates the clear importance and influence of ICT developments in this area and for these actors. The nature of organisational topics, the structure of the organisations, as well as the vision of their funders, they are all connected to the technological developments of the past couple of decades.

While the analysis of some of the common features allows for the a first level of distinctions between both field, the research on the passage of bureaucratic organisations to post-bureaucratic organisations, borrowed from managerial studies, provides the elements to understand the differences between organisation working in the same field.

While some organisations are organically and intellectually shaped to operate in a digitally dominated environment others are just starting to adapt to this new way of operating. By analysing the crucial impact of ICT in these organisations, the different influence in each of the fields and within them can be clearly understood.

EXPLANATORY NOTE

Freedom of Information and Open Government Data are evolving and dynamic areas, in particular due to the influence of technological developments in all fields related to information management. This thesis takes into consideration the latest technological and organisational developments as at 15 January 2016.

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GLOSSARY

AFIC.....	Africa Freedom of Information Center
ATI.....	Access to Information
CHRI.....	Commonwealth Human Rights Initiative
DDJ.....	Data Driven Journalism
EU.....	European Union
EBP.....	Evidenced Based Policy
ECHR.....	European Court of Human Rights
EITI.....	Extractive Industries Transparency Initiative
FOI.....	Freedom of Information
GODI.....	Global Open Data Initiative
HQ.....	Headquarters
ICIC.....	International Conference of Information Commissioners
ICT.....	Information and Communication Technology
IMF.....	International Monetary Fund
IGO.....	Inter-Governmental Organisation
ILDA.....	Latin American Open Data Initiative
INGO.....	International Non-Governmental Organisation
NFP.....	Non-for-Profit
NGO.....	Non-Governmental Organisation
OAS.....	Organisation of the American States
ODDC.....	Open Data for Developing Countries
OGD.....	Open Government Data
OD.....	Open Data
ODB.....	Open Data Barometer
OGP.....	Open Government Partnership
OKFN.....	Open Knowledge (former Open Knowledge Foundation)
RTD.....	Right to Data
RTI.....	Right to Information
SARTIAN.....	South Asia Right to Information Advocates Network
TI.....	Transparency International
UK.....	United Kingdom
UN.....	United Nations
UNHRC.....	United Nations Human Rights Committee
US.....	United States

WF.....Web Foundation
WB.....World Bank

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CHAPTER 1. INTRODUCTION

The Open Data movement and the Right to Information movement have many shared aims. The potential for benefit to citizens if these two groups collaborate effectively is significant.

(Bailur 2015, June 12)

This thesis aims to explore Freedom of Information (FOI¹) and Open Government Data (OGD) international non-governmental organisations² (INGOs), with a particular emphasis on the influence of Information and Communication Technology (ICT³) over the transformations in information environments in the past recent decades.

This research explores FOI and OGD fields through the lenses of international civil society organisations. In 2013, a post on the Open Government Partnership (OGP) Civil Society Hub blog explored the need for closer collaboration between the FOI and OGD communities (Fumega 2013, September 22). The post attracted limited attention from practitioners and scholars. A couple of years later, and after many developments in these two fields, the debate on the connections between FOI and OGD has resurfaced. The third International Open Data

¹ In this thesis the terms Freedom of Information, Access to Information, and sometimes Right to Information are included as interchangeable concepts.

² In this thesis the concepts of Civil Society Organisations, Non-Governmental Organisations and Non-for-Profit Organisations are included as interchangeable concepts.

³ Information and Communication Technology, in the context of this research, is understood in a broad and extensive manner. It covers the integration of telecommunications, computers as well as necessary software, storage, and audio-visual systems, which enable users to access, store, transmit, and manipulate information (Gaol, et al. 2014, p.70).

Conference⁴, held in Canada in May 2015, provides the location and opportunity to reinvigorate the debate about the linkages between these two communities (Bailur 2015, June 12).

Despite the fact that these types of exchange have attracted more attention in FOI circles, the topic has not been ignored by the OGD organisations, in particular, the international groups. The concerns expressed in FOI circles have had a clear correlation to the reaction of OGD international organisations such as the Web Foundation (2015, July 21), MySociety (Nixon 2015, July 20) and OKFN⁵ to the proposed weakening of the United Kingdom (UK) FOI Act. Thus, the UK Government backlash against FOI (Gibbons 2015, May 21) even though a worry for the FOI community⁶, has had positive side effects. The international organisations working with Open Data have been publicly involved in the advocacy process to try and stop the British government's latest efforts to weaken that country's FOI law. This joint effort between FOI and OGD international NGOs put the spotlight on the limited number of joint activities/ventures between these two apparently interconnected fields.

This research has been developed within this rapidly changing international context. The research commenced with the idea that there

⁴ For more information, the Conference website: <http://opendatacon.org>

⁵ OKFN's message on Twitter: <https://drive.google.com/file/d/0B49ZtmN-sAd2RDZXZkh6U3Qzcm8/view>

⁶ This backlash is not limited to the British case. Roberts also wrote a paper to refute the criticism that transparency has received in the US (Roberts 2015).

was a large gap in terms of understanding Freedom of Information and Open Government Data policies and in particular, their main advocacy actors. There was a preliminary view that despite being international non-government organisations (INGOs) working in the wider area of governmental information there were a number of differences, between FOI and OGD organisations that were not addressed in the literature. Thus, this thesis examines some of the basic differences and similarities between the two information-related initiatives of FOI and OGD, with a particular focus on the international civil society advocacy groups working in those fields.

This thesis argues that divergences and differences between these related fields also influence the operations of international NGOs working in those fields. In this context, the thesis explores the proposal that the division between these two fields is heightened by the influence of the professional and academic backgrounds of the key members and leadership of the international NGOs. This research also explores the influence of ICT over the information environments in which these organisations were created.

1. BACKGROUND

The convergence of ICT developments, the diffusion of FOI laws, and the widespread public sector embrace of ideas such as e-democracy and e-government, have all been significant features of the last decade. Furthermore, in less than a decade, the concept of accessing

governmental information has been extended to cover the idea of having access not only to information, but also to raw digital data, known as Open Government Data. OGD has become a key feature, and a popular topic, for government officials, practitioners and advocates in just a few years. The prior efforts of domestic and international NGOs and individual advocates laid the legal and administrative foundation for access to government information, and later to data in digital format, with the influence of ICT developments, and sowed the concept that government information should be *prima facie* available for access.

Despite a general uniformity of treatment, or even minimal coverage in the literature, Freedom of Information (FOI) and Open Government Data (OGD) communities have not only different backgrounds but also a diverse set of goals and drivers. Although these two fields (FOI and OGD) are intrinsically connected, the scarcity of joint initiatives as well as the debates and discussions between different stakeholders from both fields require closer examination and analysis. Differences in approaches, language, and skills, amongst other features, seem to build barriers to their interaction. However, these differences are the key elements that make this collaboration necessary to complement each other's approaches, visions and skills.

This thesis focuses on one of the main stakeholders in the government-held and produced information and data environment: international non-governmental organisations (INGOs), as they have been key actors in

policy diffusion processes (Stone 2004). Despite their importance, the literature on FOI and OGD, as shown in Chapter 2, fails to adequately reflect the varied and growing influence of civil society and the emergence of these key transnational actors within the area of accessing government information. As a consequence, there is a predominantly one-dimensional approach to the analysis of FOI and a greater limitation in the analysis of the more recent phenomenon of OGD organisations and their impact. Furthermore, not only are the differences and the interactions between the FOI and OGD organisations minimal but changes overtime are not readily caught by the literature.

This thesis is significant in several areas, as it -

- 1) Reviews the available literature on FOI and OGD to understand more effectively the role of international NGOs and the approach that scholars have taken towards these actors;
- 2) Provides a better understanding of international civil society actors and their variable role in policy diffusion processes;
- 3) Advances the understanding of the role and analysis of INGOs in general and particularly in the area of governmental information; and
- 4) Highlights the critical changes that developments in information technology have brought in general to all organisations and in particular to those dealing with information management. The lens of ICT focuses on key variables including the differences in

structure, membership, function and approaches of key actors in the development of FOI and OGD on a global basis.

A more detailed analysis of all these components (FOI, OGD, INGOs and ICT) allows for a more comprehensive understanding of one of the main actors in accessing government information and the governmental data ecosystem. The conclusions extracted from these observations also allow for clearer understanding of the similarities and differences between the international organisations in each field and within them.

The analysis on the organisations in both fields also provides insights on how ICT has effected not only through changes in the communication and information management and tools but also, through the associated philosophical background. The next sections of this chapter outline some of the key features set out above.

2. MAIN AIMS OF THIS RESEARCH

2.1 Areas of study

From the enactment of the first legal regulation on Freedom of Information in Sweden in 1766⁷ to the late 20th century, the adoption of FOI legislation was a rare public policy initiative (Darch and Underwood 2010, Stubbs

⁷ The key achievements of the 1766 Act were the abolishment of political censorship and the gaining of public access to government documents. Although the innovation was suspended from 1772-1809, the principle of publicity has since remained central in the Nordic countries (Björkstrand and Mustonen 2006).

2012). The period from the early 1990s to late 2000s, also known as the 'Golden Period'⁸ by FOI advocates, witnessed the expansion of national FOI laws from 13 to over 72 countries in 2011 (Vleugels 2011) and over 100 by the end of 2015 (Banisar 2015). During this period two intertwined processes were very significant in terms of the diffusion process of FOI legislation worldwide: first, the internationalisation of the concept and the standards on FOI, and second, the recognition of Freedom of Information as a human right (Darch and Underwood 2010. pp. 127-130).

These two processes have not been the only factors affecting the government-held information ecosystem. The technological impact, during the first few years of the 21st century, was not only evident in the FOI 2.0 reforms (Darch and Underwood 2010. pp. 247-259), which include the disclosure of certain information, in many cases as documents in proprietary and non-reusable formats, on government websites but also in a new wave of ideas surfacing in the area of government information: Open Government Data (Fumega 2010). In the latter, the main shift occurs when the emphasis is placed on the formats and not only on the information that is disclosed. Thus, the key principle of OGD is that structured data, the raw component to produce a meaningful output known as information, should be proactively disclosed by governments in reusable formats allowing third parties not only to access data but also to re-use them in the way they prefer. A much more dynamic, collaborative and interactive form of information access then envisaged or contained

⁸ As named by Darch and Underwood (2010. p.47).

within most conceptions of FOI, theory or practice.

The requirement that information be presented in reusable formats is relatively alien to FOI legislation, even within the FOI 2.0 reforms⁹. This absence in FOI legislation presents some correlation with the lack of overlapping academic literature but also in the lack of connection or interaction between the actors (Access Info and Open Knowledge Foundation 2010, Fumega 2010, Hogge 2010), who work in these complementary fields.

The genesis of this thesis is connected to the researcher's professional background as a consultant to several international and domestic transparency institutions, governmental and non-governmental, for the past decade¹⁰. During that time, but also after commencing this project, the researcher has attended conferences, seminars and workshops in many governmental information-related areas. During those events, in particular since the early days of this thesis, the researcher has paid attention to the participating actors and their interactions.

After attending numerous conferences, workshops and seminars organised by different actors in both fields, from Open Knowledge (OKFN) Festival and Conferences, Open Data for Developing Countries (ODDC)

⁹ The name FOI 2.0 is mainly used in Australia.

¹⁰ I have started as a FOI scholar and later practitioner in a myriad of organisations and projects. Since 2009 I have also been involved in OGD as well as technology for transparency projects. In the past decade, I have been involved in different projects for a variety of organisations. Some of those organisations are the World Bank, the Regional Alliance for the Freedom of Expression and Access to Information, Global Integrity, U4 Anti-Corruption Resource Centre, and the Web Foundation, among others.

meetings, Transparency Camps (Tcamp), Open Government Partnership (OGP) meetings, the Global Conferences on Transparency Research, International Conferences of Information Commissioners (ICIC), among others¹¹, the lack of joint activities, even in topics of mutual interest, became evident. Some of the few events, among a long list, where actors representing both communities shared the same space, were the Open Government Partnership¹² meetings. The political nature of these meetings attracts some actors from the FOI community working on the diffusion of FOI as a human right while the emphasis that this initiative has placed on technology appeals to many open government data advocates.

Where possible, the researcher has tested and modified these impressions by formal interviews and been informed by the academic and non-academic literature. Despite the involvement of a variety of actors from FOI and OGD in these events, there is a lack of interaction/overlapping between them. In this sense, The OGP provides a clear example of the division between these fields. The different communication styles, composition, and the particular topics in different OGP Working Groups clearly exemplify the differences among these fields and, in particular, the actors working within each of them. The FOI¹³ and Open Data¹⁴ communities/fields have formed two different OGP Working Groups with very little or no interaction between them.

¹¹ See Appendix 1

¹² More information on their website: <http://www.opengovpartnership.org>

¹³ Access to Information Working Group (2014)

¹⁴ Open Data Working Group (2014)

Open Data Working Group (2015)

Open Data Working Group (2016)

2.2 NGOs

This thesis seeks to fill that gap in terms of knowledge regarding organised civil society organisations working internationally on the access and use of government information and data with transparency purposes. In particular, this thesis examines these civil society organisations through the lenses of the influence of ICT in their structures and daily routines.

This research observes and analyses both fields, OGD and FOI, through the lenses of transnational civil society organisations. Unlike most FOI and OGD theses and scholarly works (Darch and Underwood 2010, Michener 2010, Berliner 2012, Stubbs 2012, Berliner 2014) - which have focused on the processes, governmental actors, and other actors, and also which have barely commented, or only in broad general terms, on international NGOs - in this research, NGOs occupy central, dynamic and evolving roles instead of being treated as minor homogenous actors.

Civil society actors, international organisations in particular, are vital in policy diffusion processes (Stone 2004), however, their role has been understudied and more often than not their features have been simplified and classified under static and broad categories. In the case of FOI, during the 1990s, key transnational actors not only brought all two intertwined FOI processes (first, the internationalisation of the concept and the standards on FOI and secondly, the recognition of Freedom of Information as a human right to the fore), they were also proponents and significant

contributors to the promotion of the idea, in particular, of Access to Information/Freedom of Information as a human right (Mendel 2000, Darch and Underwood 2010, Stubbs 2012). This rights-based approach to the access to governmental information, with the help of most international government organisations (IGOs), as clearly illustrated in Sebina (2006 pp.65-108) and other donors, provided the advocates with an important diffusion tool. When FOI is transformed into the right to government information, it becomes difficult to oppose, at least openly, by governments in western democracies as it is based on the promotion of a basic western liberal value.¹⁵ Organisations such as Article 19 and Transparency International, among others, applied and/or transferred principles from a very small number of liberal democracies, the Lockean heartland as described by Stubbs (2012 p. 160) to a far larger, more diffused and heterogeneous collection of countries and even international governmental organisations such as the European Union, World Bank, and United Nations¹⁶. As Stubbs (2012 p. 61) observes, these intergovernmental organisations have backed up this global FOI movement. However, not only have they supported the adoption and implementation of this type of regulation but they have also adopted FOI principles within these organisations with diverse results¹⁷.

In addition, this research explores the influence of ICT in the

¹⁵ Makau wa Mutua (1995) identified the members of international NGOs as, in most cases, conventional doctrinalists. Moreover, Makau adds that they often brought an uncritical eurocentrism to the debate. These ideas are discussed by Darch and Underwood (2010 pp.128-130) in the context surrounding the rise of FOI.

¹⁶ Some examples from 2006 in: McIntosh, T. (2006, March 22) and McIntosh, T. (2006, July 17).

¹⁷ McIntosh, T. (2006, September 22).

organisational structure and dynamics of these international groups. This exploration of the crucial influence of ICT allows for a clear observation of not only the differences between FOI and OGD but also among organisations in each of the fields. Thus, this thesis aims to extend our understanding of international NGOs, especially in FOI and OGD, from a fairly limited treatment as largely uniform, static and minor actors in the development of international governmental access to key, dynamic, heterogeneous and evolving players in both fields.

This thesis extends many of the analyses used by Roberts in his work *Blacked Out*, in which he explores the impact and consequences of the digitisation of government-held information on the more traditional analyses and operations of FOI advocates and academics (Roberts 2006 pp. 199-227). This thesis extends the analysis of Roberts (2006) to examine not only that impact of digitisation on the operations of FOI but explores the creation and operation of international civil society organisations formed in response to and to operate entirely within a complete digital environment of government-held information. Therefore this thesis analyses some organisations that are both organically and intellectually shaped to operate in a digitally dominated environment and simultaneously compare and contrast those to organisations just starting to adapt themselves to this new way of operating. By analysing the crucial impact of ICT in these organisations, from FOI as well as OGD fields, the differential influence in each of the fields, and within them, can be clearly understood.

2.3 ICT

Developments in ICT have had an impact on all activities related to information systems. Government information has not been immune to this influence (Fumega 2010). In this context, FOI and OGD and the actors working in each area are not immune to this influence.

ICT has had a significant impact on the growth of OGD. It is a core component of the discipline and, thus, without ICT developments, this field cannot exist. ICT is transforming the way organisations and their members interact as well as the field of accessing information and data itself. International NGOs, contrary to the literature, are not static, homogeneous or monolithic bodies. Especially in light of the impact of ICT, a revision in terms of definitions and models applied to civil society organisations and networks is needed.

While OGD groups and individual advocates are at the forefront and are early adopters of ICT changes, the main FOI civil society actors have been slow in their uptake and limited in their innovative use of ICT. In some ways ICT for OGD groups provides new opportunities and capacities to transform their work and mission, whilst for most FOI civil society groups ICT is just another, and often poorly appreciated, tool among many.

As Roberts (2006) notes, the mix of tools, ideas and new actors in the OGD area adds a layer of complexity to the previously paper-based ability to access government information. Traditionally, accessing government

information has been a heavily dominated lawyers-only domain, using formalistic, rule bound and technical frameworks to govern and determine levels of access to clearly defined or identified documents. However, it is now a territory where new actors and tools have been introduced.¹⁸ Technology is an inherent and foundational component of OGD policies and practices, yet it has only become relevant for FOI initiatives in the past few years. It is critical to analyse the key international civil society actors in this new information ecosystem to better understand the changes produced by ICT.

2.4 Convergences

A striking feature of the relationship of FOI and OGD, which can be extended to other areas dealing with government-held information such as records management and privacy, is the minimal overlap both in terms of literature, academic analysis and practitioner engagement. OGD and FOI are as similar and as different as any other division in the government held information environment. They are related but they are separate disciplines and fields that share both common points and differences. In the case of FOI and OGD, professionals share the primary resources, information data produced and held by governments but they differ in philosophical and professional backgrounds. Yu and Robinson (2012 p.207) provide some insights into these divergences by including a diagram with dimensions to better understand disclosure of information

¹⁸ Stubbs dissects the current available FOI literature into several themes according to their main perspective, e.g. legal, media, administrative analysis to name a few). (Stubbs 2012 pp. 20)

and data. Not only do the differences relate to the formats in which the informational resources are disclosed but also to different drivers such as the improvement on service delivery and/or public accountability.

This thesis explores this lack of engagement and overlap between the actors in these two areas. This division between these related fields also flows into the operations of NGOs working in those fields. Most of the time, NGOs delimit their work according to these previously drawn boundaries. This thesis suggests that these boundaries or divisions of labour/operation are reinforced by the operations of the main international civil society actors. Furthermore, there is a strong connection to differences in professional backgrounds, philosophies and the influence or engagement with ICT.

There have been some developments in terms of the interconnection of both fields, mainly in terms of legislation such as the inclusion of formats requirements in FOI legislation such as in Mexico¹⁹ and Brazil²⁰ and operations of NGOs, largely attributed to the convergence of information systems and technology. These overlaps, even though limited, seem to have been ignored in the academic literature until very recently.

In this context, many areas could be benefited from a more nuanced analysis of the ICT influence over governmental information-related civil society organisations. Particularly, in terms of FOI and OGD organisations,

¹⁹ Honorable Congreso de la Unión (2015).

²⁰ Congresso Nacional (2011).

this thesis aims to reveal not only key similarities but also the extent, causes and contributors to fundamental differences in approach, methods and ideology.

In particular, the influence of ICT and the information environment surrounding INGOs, especially at their creation but also over time, is traced. Indeed it could be argued that the level and type of information environment and ICT development was a useful indicator of the choices made by both types of INGOs when it came to dealing with their core mission the access to and use of government information. Furthermore the response to and how ICT was used played a significant role in the flow and generation of ideas about accessing government information.

FOI INGOs have been slow to respond to and explore new potential and opportunities presented by ICT developments. In the shift from a pre-digital operating environment to a digital information environment (a shift flagged by Roberts 2006) FOI organisations with some exceptions (as shown in Chapter 7) have been static and fairly unresponsive to concerns about the workability of their main instrument. FOI INGOs largely respond the feedback of a 'broken' or poorly performing FOI system/legislation with technical corrections to the legislation or limited and ad hoc amendments.

This thesis follows a non-traditional pathway in terms of its generation, approach and the author's participant role at various key events, debates and stages of the development of studied INGOs. Whilst the author was

supervised by two legal academics in a law school the adopted approach has been more public policy orientated and multi-disciplinary.

3. RESEARCH METHODOLOGIES

3.1 Methodologies and approaches

In order to conduct this research, qualitative methods were selected as they capture expressive information 'not conveyed in quantitative data about beliefs, values, feelings, and motivations that underlie behaviours' (Crabtree and Miller 1999 p.1).

As with many constructivist researchers, this study does not begin with a theory. Instead, this research is inductively developed and the theories and meanings arise throughout the research process and the information provided by the involved actors (Mackenzie and Knipe 2006). As knowledge is constructed, in order to build the research, this study relies on qualitative data collection and production methods. In that sense, interviews with key actors and the review of documents, some of the main tools to generate data within a constructivist approach, are included in this research (Mackenzie and Knipe 2006).

Furthermore, even though this thesis does not entirely fit with an Action Research model, it presents some of its components. The participation in a large number of international conferences discussing and presenting the topic has allowed for a closer observation of some of the actors. Also, the

author organised, during the last year of research, 2015, a few sessions to discuss ideas with representatives from both fields and also to observe their interaction. During the second week of September of that year, a couple of workshops and sessions on the use of FOI legislation to obtain OGD was organised during the Abrelatam and Condatos gathering, held in Chile²¹. Another workshop was organised that same year, during the Civil Society Day at the OGP Global Summit, held in Mexico during the last week of October. That same week, during the OGP Global Summit, a session with the co-chairs of both, FOI and OGD, working groups. Some of the observations were preliminary portrayed in the author's personal blog²², and they were later included mostly in Chapters 5 and 6.

Following Reason and Bradbury (2001), in this particular context, Action Research ‘...seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people, and more generally the flourishing of individual persons and their communities’ (Reason and Bradbury, 2001, p. 1).

The work on this thesis, interviews, discussions and the participation in international forums, the organisation of panels and workshops on the topic as well as the information included in blog posts and tweets have

²¹ Some of the observations coming from those meetings in Santiago, Chile (in Spanish) can be found in Fumega, S. (2015, September 14).

²² Some of the observations on;

- Workshop during the Civil Society Day can be found in (Fumega 2015, November 4).
- Session during the OGP Global Summit 2015 can be found in (Fumega 2015, November 9).

contributed to raise awareness on the convergences and divergences of the FOI and OGD fields and actors. Hence, the ideas, coming from the discussions and observations during those events as well as other presentations in a myriad of international events, as shown in Appendix 1, have influenced the concepts and conclusions of this thesis.

Furthermore, the study of both movements (FOI and OGD) in this thesis presents an agent-centred approach, as the exchange and motivations behind and between social actors is the key variable in this research. Several other explanatory studies on the diffusion of FOI (Grigorescu 2003, Bugdahn 2007, Darch and Underwood 2010, Berliner 2012) are based on this same principle in order to systematically examine the interaction between the actors involved in the process, as pointed out by Stubbs (2012 p.86). These approaches allow the reduction of 'the statement of a particular problem to a limited number of variables which are amenable to relatively close and precise examination (Cox 1981 p.129). This close examination is required in emerging areas of study, such as FOI and OGD, as there is limited work in terms of the process and actors involved in their diffusion.

A comparative approach will be included to compare and contrast the features and activities performed by INGOs in each of the movements. The use of the comparative method allows for a better understanding international civil society actors and the fields themselves working in OGD in contrast to the FOI area. This method not only presents strengths

but also some weaknesses. The main weakness is the difficulty to find sufficiently similar cases to control for other possible factors as well as the development of less generalizable conclusions (Lipjhart 1975). However, due to the lack of scholarship on the topic, even limited and qualified conclusions can fill some significant gaps in the field and provide a platform for future research.

3.2 Some specifications

There are no clear definitions of the non-governmental organisation (NGO). In general terms, it can be said that the term NGO refers to legally constituted organisations operating independently from any government and that are not conventional for-profit business (Stankowska 2014 p.43). As the boundaries of the classic definitions are broad and sometimes do not reflect the changes that these organisations have experienced in the past years, new approaches to define and analyse the subjects has to be explored. These limitations add to the lack of definitions that fully encapsulate in a positive way all the features.

International/transnational/global²³ organisations are understood within this research as the main nodes to analyse the actors advocating for access to government information and data at a global level. However, they are not the only relevant actors. Individual advocates as well as transnational networks play a vital role in the diffusion/transfer of FOI and

²³ Even though international, transnational and global are generally used as interchangeable terms (as it will be in this thesis), it is necessary to clarify that they not always used as synonyms. For more information on the differences between these organisations, check: Hines (2007, August 20)

OGD principles and initiatives.

Despite exploring new approaches, this study does not pretend to have universal applications. It only applies to some transnational/international actors, mainly institutionalised organisations working non-for profit as their main focus, advocating for a greater access and use to government information and data. However, this limited progress in the study of non-governmental organisations will allow a better understanding of the key features of the FOI and OGD fields of study. This thesis also aims to provide future researchers with new material as well as new areas to further explore in these novel fields.

3.3 Limitations

Despite the criticism that the agent-centre approach is sometimes viewed as incomplete due to the lack of historical explanatory power (Stubbs 2012 pp. 106-107), these explanatory studies are necessary in this new stage of a field. Stubbs identifies the agent foundation, together with the modernisation foundation as limited theories to explain historical processes (Stubbs 2012 p. 108). However, the studies on the FOI field only approach these key stakeholders of the FOI ecosystem as a homogeneous and static group. The focus on these actors, together with the influence of technology, allows for a greater detailed comprehension of the diffusion processes, already analysed by Michener (2010), Berliner (2012), and Stubbs (2012).

Thus, despite the limitations that these agent and modernisation foundations might possess over the observations arising from this thesis, these approaches allow for a more detailed analysis of the process. Without the focus and analysis of international NGO and the distinction with other civil society actors, the approaches to civil society are simple and limited. This approach also allows for a comparison with the same type of actors working in the Open Government Data field. Information provided by the observation of these particular FOI civil society actors provides the bases to understand the Open Government data civil society organisations as well as to extract concepts that can potentially be applied to the whole field.

This thesis is a first attempt to capture the particularities of international NGOs in each field through a certain period of time and start to comprehend some of the similarities and divergences between the actors working in the FOI and OGD fields. Thus, the conclusions will be limited, however, they will fill the existing gap in the field and provide a platform for future research.

3.4 Sources of information

The analysis of both processes, diffusion of FOI and OGD, and the respective role of the INGOs, is conducted with the use of information available from a variety of sources. Due to the limited scholarship in the areas of study, elements from the existing research on other aspects of FOI and OGD together with existing literature on NGO in other fields are

included. The information about the particular organisations and other actors was gathered by reviewing their websites and from interviews with key actors in the field, including members of transnational NGOs as well as public officials, scholars and other experts. A process described as elite interviewing by Hochschild was applied in the interview process. Thus, the participants in this research were selected because of the positions they occupy within their fields rather than randomly or anonymously (Hochschild 2009). The Tasmanian Social Sciences Human Research Ethics Committee approved this process, including all the questionnaires and list of interviewees in early 2013 before contacting any of these actors.²⁴

Members of these transnational organisations were difficult subjects to access, as they work and travel from country to country and tend to give a low priority to non-core business such as email surveys or questionnaires. The researcher has taken the advantage of the opportunities provided by several conferences around the world involving both topics, as well as OGP annual and regional meetings, to have conversations with key actors in those fields. The research was complicated, as discussed in the section on methodologies by the researcher's involvement as a speaker, panellist or active participants at these events. The information gathered, especially from the structured interviews, from those conversations is included in this research as background material.

²⁴ Ethics Reference number: H0013241

The conversations were guided by a semi-structured questionnaire, which allowed the conversation to run more freely at those points where the interviewees felt that they wanted to provide more input. Thus, some initial guiding questions, or core concepts, were presented in each of the conversations in order to have enough information to compare the cases but also allowed the interviewee and the interviewer to explore areas and information that came up during the conversation. In that sense, this form of questionnaire allows the researcher to use a large amount of information to build each of the cases. In that sense, semi-structured interviews ‘...are partially structured by a written guide to ensure that they are focused on the issue at hand, but stay conversational enough to allow participants to introduce and discuss aspects that they consider to be relevant’ (United Nations Environment Programme 2003 p.489).

All the interviews were granted under conditions of anonymity and usually lasted no more than one hour. The background information was also captured from one workshop²⁵ and one panel.²⁶ The researcher organised both to discuss the divergences and similarities of these two groups of ideas and actors that are the direct focus of this study. The participants are not included in the table below.

²⁵ The topic of FOI and OGD was discussed in the context of a workshop organized for the ODDC project “Opening the Cities: Open Government Data in Local Governments of Argentina, Brazil and Uruguay” in the City of Montevideo (June, 2014)
<http://www.opendataresearch.org/project/2013/jcv>

²⁶ I organized a panel in the 2nd Latin American Open Data Conference focus in particular on the divergences and similarities of FOI and OGD:
<http://condatos.org/agenda/en-2-1600-politicas.html>
Summary of the panel (in Spanish) in Fumega (2014, October 13)

TABLE 1- List of interviews and their precedence

	FOI			OGD			
	Europe	Americas (North and South America)	Others	Europe	Americas (North and South America)	Others	
International NGOs	2	2		2	1		7
Local/Regional NGOs	1	3		4	1		9
Experts/Academics	2	2	2	2			8
Public officials	1	1			1		3
Journalists	1				1		2
Total	7	8	2	8	4	-	29

4. OVERVIEW OF THIS THESIS - CHAPTERS OUTLINE

Despite the increasing recognition of the crucial role of civil society actors, together with intergovernmental institutions, in diffusion/soft transfer processes they are still approached as a homogeneous and static entity. This statement is supported by the literature explored in Chapter 2. To better unpack and analyse these groups in Chapter 3, traditional concepts in the literature on civil society organisations are explored. Later, in Chapters 4 and 5 the differences not only between the groups in different

fields, such as FOI and OGD, but also the divergences within the same field are fully explored. Thus, the prominent and diverse role played by these INGOs organisations in FOI and OGD is better understood. This focus contributes significantly to the limited literature both on these INGOs and to the widespread and fundamental shifts in the way government-held information is accessed and used. A clear outline of the chapters is included in the following paragraphs.

- **Chapter 1 - INTRODUCTION**

This introductory chapter presents and unpacks all the main elements contained in this thesis. It presents the 4 main nodes of this research, which are the Freedom of Information and the Open Government Data fields, international NGOs and, lastly, one of the main factors leading at the transformations: ICT. It also introduces the basic features of all these elements while highlights the limited number of joint activities/ventures between these two apparently interconnected fields.

As mentioned, OGD and FOI are as similar and as different as any other division in the government held information environment. They are related but they are separate disciplines and fields that share both common points and differences. In the case of FOI and OGD, professionals share the primary resources, information data produced and held by governments but they differ in philosophical and professional backgrounds. Despite all the connections, there is minimal overlap both in terms of literature, academic analysis and practitioner engagement.

This chapter also introduces the goals of this thesis as well as the limitations. All these clarifications, together with some methodological considerations, allow for a clear understanding of this research.

- **Chapter 2 - LITERATURE ON FOI AND OGD**

This chapter explores the main literature on two fields of study, Freedom of Information and Open Government Data while Chapter 3 will expand on the literature referring to civil society organisations.

FOI legislation has attracted considerable interest over the past three decades among scholars. The speed and focus of the literature on the topic has largely followed the patterns of FOI adoption. While both experienced a slow pace at first, the number of FOI laws as well as the volume of studies have increased since the mid 2000s. The increase number of scholars and the diversity of approaches to the critiques of FOI present a correlation in the diffusion process of the legislation.

There are several similarities but some key differences in the development of the OGD literature in comparison to FOI. In addition to being a more recent field, largely post 2005²⁷, OGD emerges from the intersection between technology and policy processes. This has encompassed different types of stakeholders and skills than found in the FOI process. As a result, it involved a more diverse range of actors utilising different

²⁷ Despite that the main developments have not arisen until the second half of 2000s, there were earlier mentions in the literature to the reutilization of government information and data (Lewis 1995, Perritt Jr. 1997). The increasing automatised of government functions and transactions together with concerns on the commercial use of government information (Perritt Jr 1994) and on privacy risks (Paterson 1998) provided many elements for scholarly research.

structures and techniques, driven by a greater variety of motivations.

While there is a parallel between the development of the academic literature and the diffusion patterns in the FOI field, there are no such clear patterns between the literature and developments in OGD. This article aims to provide some analysis and initial exploration of this largely unexamined and still formative area.

The overview of the available literature and particularly the analysis of the study of international civil society groups in both fields of study make it evident that there is a void in terms of the analysis of these actors. This thesis is based on the idea that having a better understanding of these actors provides a clearer knowledge of the divergences and similarities between these two complementary initiatives.

- **Chapter 3 - REVIEW OF LITERATURE ON NON-GOVERNMENTAL ORGANISATIONS**

As shown in Chapter 1, the role of organised civil society is largely neglected in current research. In spite of this general lack of attention, some recent studies, mostly from the FOI field, have acknowledged the importance of civil society organisations to diffusion processes. However, in those recent FOI studies, NGOs are characterised as monolithic actors, which do not present much difference in terms of scope, strategies, structure, and impact, among other features.

This chapter aims to not only explore the literature in terms of civil society actors and their role in processes of policy/principles diffusion but also to unpack the different features of some international institutionalised civil society organisation as well as include other transnational actors within the government's informational resources ecosystem.

There is a lack of clarity and ultimate definitions of the non-governmental organisation (NGO). Thus, as the boundaries of the classic definitions are broad and sometimes do not reflect the changes that these organisations have experienced in the past years, new approaches to define and analyse the subjects has to be explored. Multiple variables play a role when trying to define and delimit international civil society actors. This is even more relevant in a rapidly changing work environment.

- **Chapter 4 - FOI CIVIL SOCIETY ACTORS WORKING ON THE INTERNATIONAL SCENE**

In the past three decades, civil society advocates in the FOI field have moved from small domestic groups to large organisations. At the same time, many other actors, such as regional NGOS, regional networks as well as virtual knowledge-sharing spaces, have started to gain influence.

In this chapter the main features explored in Chapter 2 will be applied to better comprehend the main international NGOs working in the diffusion of FOI principles, and their crucial involvement in this process. The main observations extracted from those international organisations will serve as

the basis of better understanding, by contrast, divergences and similarities, the OGD community.

Both Chapters, 4 and 5, are intrinsically connected and they complement each other, as well as both groups of organisations, FOI and OGD, also complement each other's work.

- **Chapter 5 - OGD AND INTERNATIONAL CIVIL SOCIETY**

Following on the ideas introduced in Chapter 3, this chapter aims to identify and analyse the actors, their structure and how their activities relate to the Open Government Data agenda and its diffusion. It provides a detailed recount of the work of the main international actors in the OGD field and the influence of ICT developments in this area. It also aims to draw some preliminary comparisons between FOI organisations and those in the OGD field.

Despite the shared elements between these two fields, in particular when referring to proactive disclosure, this chapter demonstrates that the divergences between them, in terms of vision, engagement and even structure clearly surface. Professional background, vision, and structure provides for a better understanding of the international groups working in both areas.

Thus, despite all their particularities, FOI-related INGOs have mainly focused on the construction, enactment and operation of access to

information worldwide. In general terms it can be said that these group focus on the possibility to access government-held and/or produced information while OGD groups, emphasise the possibility of the reuse of the information resources.

All these elements influence the way in which these organisations relate to governments. Most FOI advocates, who generally come from the transparency and accountability fields, present a more confrontational attitude, as it is based on a non-compliance base, towards governments, in comparison to OGD approach to governments.

- **Chapter 6 - RATIONALE BEHIND DISAGREEMENTS BETWEEN THE FREEDOM OF INFORMATION AND OPEN GOVERNMENT DATA COMMUNITIES**

Building on the previous analysis, Chapter 6 aims to reach a better understanding of the similarities and divergences of FOI and OGD fields through the work and features of the international organisations working on both fields.

In spite of a growing recognition of the advantages of joint projects, there is still some resistance among these actors in these two areas. The close observation of the main features of the most prominent international organisations in FOI and OGD offer the elements to understand the rationale in each field.

Both FOI and OGD set of organisations work with similar resources but their approaches and backgrounds means that they focus on different lines of work, when ICT developments start producing changes in those informational resources. These lines of work and the complementarity, or lack of it, between these two communities are explored in this chapter while providing an overview of the current debates between the international civil society actors in these two fields with the information gathered in a variety of workshops and other gatherings.

It is the differential impact of ICT over the FOI and OGD organisations that allows for the understanding of these differences. The influence of ICT as a tool for communication and information management has permeated all organisations, FOI and OGD. However, the utilitarian philosophy behind some of the developers of those technology tools has not infused the FOI field. The idea of innovation, meritocracy and other concepts are linked to the philosophical background of the NGOs operating in both areas.

- **Chapter 7 - RETHINKING ORGANISATIONS**

The role of ICT is the key to understanding the differences in the organisations not only between these two fields but also within each of them. In this context, after the analytical overview of the actors working on the FOI agenda as well as the OGD ones, this chapter focuses on the influence of ICT in the structure, dynamics and definitions of international civil society actors.

This chapter analyses and compares the changing definitions concerning organisational structures -from bureaucratic to post-bureaucratic ones- as well as the impact of ICT on those concepts. Chapter 7 provides insights on the changing world of non-governmental organisations and suggests future areas for further research.

ICT is a key enabler of new ways of communication. However, the philosophy behind the mission and vision of these organisations are as relevant as key elements to new organisational forms. The passage from one type of environment to the other produces not only quantitative (more information and data available) but also transformative and qualitative changes. This research would tend to confirm this idea. INGOs (largely OGD but not exclusively) that were created in a very different information environment have in terms of creativity, innovation, and variety of outputs outperformed the more legalistic and less pluralistic FOI INGOs.

- **Chapter 8 - CONCLUSIONS.**

Differences between FOI and OGD INGOs were analysed through this thesis. Through a detailed analysis of the role and features of the main INGOs in FOI and OGD, this thesis reveals that ICT is a major contributing factor explaining the differences between these two fields.

This last chapter summarises the findings and makes recommendations for further research. The findings about the similarities and divergences between these two fields, in particular these key international civil society

advocacy groups, provides an explanation for the minimal interaction between these fields. Not only do these findings allow future researchers and practitioners to better understand these actors but the outcomes of this thesis also offer evidence for the differential ICT influence over information and communication related fields and actors. This diversity in the impact these technologies exert over different fields and actors provided the needed conceptual foundations to understand the different areas in the governmental information-related fields.

From this research many lines of research as well as work at the practitioners' level open up. The rapid pace in which ICT developments are changing the communication and information environments demands that further research and activities should be pursued in the near future.

1. INTRODUCTION

This chapter aims to contribute to Freedom of Information and the newly developed Open Government Data literature, in particular in terms of how, and if, they cover civil society organisations. There is an analytical gap in the literature about FOI and OGD. Not only is there a void²⁸ in terms of literature on the overlap between the FOI and OGD fields, but also the current literature on FOI and OGD does not reflect the varied and growing influence of civil society on FOI/OGD developments, the emergence of key international actors, or the impact of the changes in ICT within both fields in the past two decades. This gap is a consequence of a predominantly one-dimensional approach to the analysis of FOI as pointed out by Darch and Underwood (2010) in Stubbs (2012 p.49), as well as the recent emergence of OGD as an area of study.

The predominant legal orientation found in FOI studies has, until recently, ignored or downplayed the role of international civil society organisations. On the other hand, in relation to OGD, the level and dynamic interplay of the field has outpaced the capacity of scholars to supply rigorous analysis on all of its aspects and in particular civil society actors. Thus, in both cases the role of organised civil society is neglected.

²⁸ In general terms, the literature on the overlap between FOI and OGD is very limited and it mostly has come from joint initiatives between scholars and civil society actors: Pyrozhenko (2011), Access Info and Open Knowledge Foundation (2010), Hogge (2010). Furthermore, some preliminary ideas included in this thesis are published in Fumega (2015)

The limited but developing academic literature in both fields, FOI and OGD, although occurring at different rates presents some significant similarities. Until recently, FOI scholarship has focused on the development and critiques of FOI legislation (Article 19 1999, Coronel 2001, Mendel 2003, Neuman 2004, Kranenborg and Voermans 2005, Banisar 2006). That literature consists of the normal array of academic sources: books, refereed articles and secondary sources, including government publications and reports, conference papers and media commentary. In contrast, the OGD literature has, until very recently, generally consisted of primary source material, concentrated in new media platforms including the web, social media and blogs and to a lesser extent conference presentations and a few incipient studies, in particular from 2009 onwards, such as Robinson et al. (2009), Bates (2012), Davies and Edwards (2012), Ubaldi (2013), Fumega and Scrollini (2014).

For this thesis, these non-traditional sources have had to be supplemented by interviews (formal and informal) and discussions at public forums, often online. Despite the challenge posed by the limited number of more traditional sources, the different types, sources and platforms for this material has nevertheless allowed, with some important constraints, the drawing of some important contrasts, comparisons and the identification of overlaps and lacunas in the respective coverage of the key elements of FOI and OGD.

The following sections explore these gaps in the FOI and OGD literature to shed some light on the main concepts underpinning two fields that contribute to government transparency.²⁹

2. FOI: AVAILABLE LITERATURE

There is an extensive body of literature on FOI legislation, its implementation, and management. However, as Darch and Underwood note, the 'literature on freedom of information and its spread to countries around the world ... consists largely either of descriptive case studies or of normative commentaries on the adequacy of particular pieces of national legislation... There is relatively little in the way of comparative or theoretical analysis...' (Darch and Underwood 2010 p.50)

FOI legislation has attracted considerable interest over the past three decades among scholars (Stubbs 2012 p.42). The speed and focus of the literature on the topic has largely followed the patterns of FOI adoption. While both experienced a slow pace at first, the number of FOI laws as well as the volume of studies have increased since the mid 2000s (see

²⁹ Transparency is one of the most cited preferred outcomes from the implementation of FOI regulation, as well as the principle behind these policies. It is even generally included in the name of most of these laws. This is because the possibility that the users of these laws have, in terms of requesting and accessing any government-held or produced information, provides them with the possibility to "see" what governments are doing. Openness is generally used along the same lines as transparency. However, openness includes the idea of participation, in reference to policy processes. They both refer to a certain quality, which lift the veil of secrecy, when referring to political systems (Davies, 1998). However, even though both concepts are related to the idea that people should know what governments are doing (visibility, based in the principles behind any liberal modern democracy) and they share similar qualities, they also present differences.

Figures 1 and 2). The acceleration in the number of scholars, as well as in the diversity of approaches to the critiques of FOI, present a correlation in the diffusion process of the legislation on the topic (Darch and Underwood 2010, Michener 2010, Berliner 2012, Stubbs 2012, Berliner 2014).

FIGURE 1- Trends on developments on FOI literature – timeline

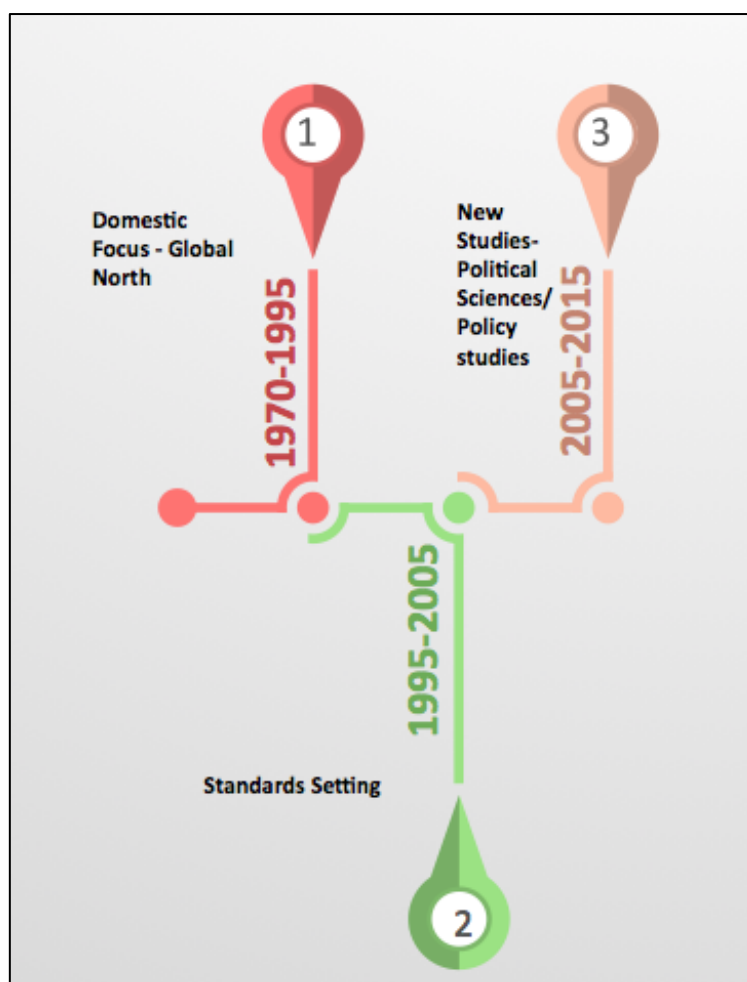
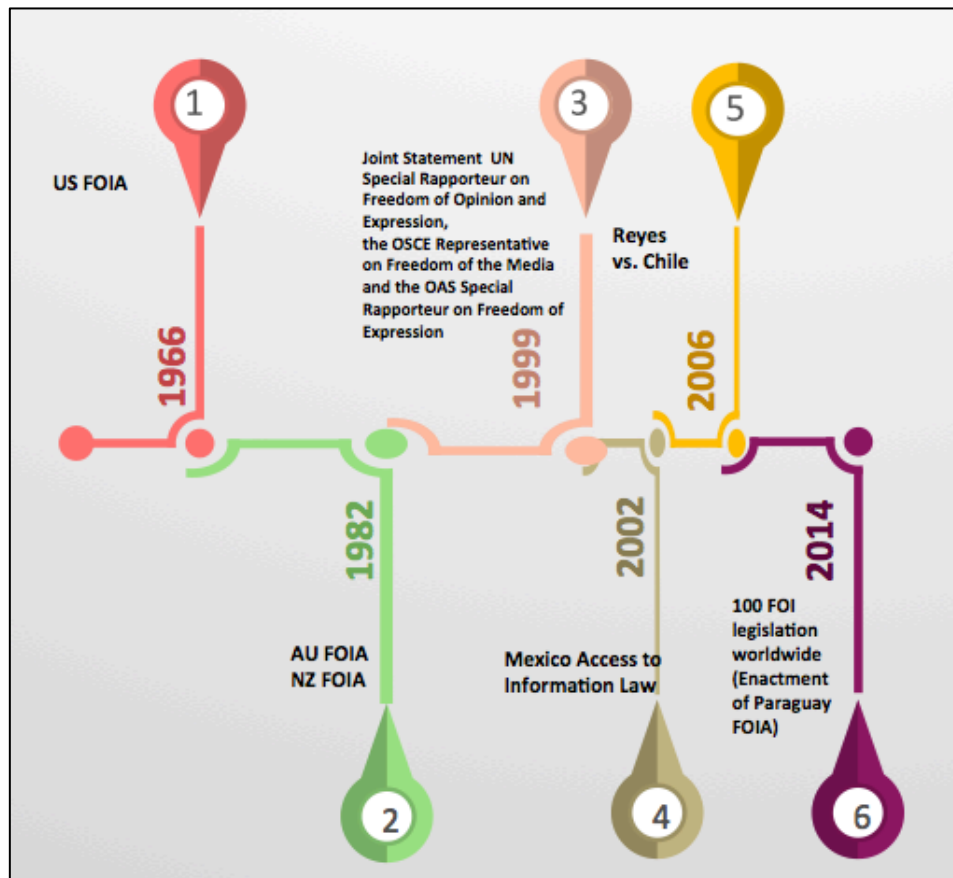


FIGURE 2- Development on FOI Policy and legislation – timeline



The development of the literature on the topic parallels the geographic diffusion of access legislation around the world. Many case studies of the first adopters during the 20th century are focused on the development of these ideas in the global north or Lockean³⁰ States as labelled by Stubbs

³⁰ As clarified by Stubbs (2012):

Lockean' states because the relationship between state apparatuses and society within those states developed as a consensual social contract facilitating a 'right to know'. Outside these 'Lockean' states throughout much of modern history so-called 'Hobbesian' states prevented the further diffusion of the law. Within 'Hobbesian' states the authority of the state apparatus overshadowed weak civil societies and prevented the development of a 'right to know'. However, towards the end of the twentieth century the 'Lockean'/'Hobbesian' dichotomy of modern states began to break down and FOI law proliferated widely. 'Hobbesian'

(2012 p.28), between the 1960s and mid 1990s, with examples from US³¹, Canada, Australia³² and NZ³³, together with some early comparative work within the small number of cases in the Lockean States (Hazell 1991, for example). This shows a similar path and convergence in terms of the work performed by advocates and academics in the area.

During the 1990s FOI, which until then had predominantly been led by domestic factors, erupts onto the international agenda. The explosion of the global demand for the disclosure of government-held information commonly referred to as the 'Golden Period'³⁴ for FOI advocates has its translation into the academic literature as well. The studies, sometimes advocacy-driven, start to focus on the need to establish international models and standards on government transparency (Article 19 1999, Coronel 2001, Mendel 2003, Neuman 2004, Kranenborg and Voermans 2005, Banisar 2006).

By 2010, more than 90 countries had passed legislation to regulate the right of access to government information. A new wave of studies also surface around that same time, expanding the approach not only to

structures underwent a process of transformation in the context of an emergent global political economy that facilitated the further diffusion of the law, and public sector transparency. (p. 4)

³¹ Davis (1967)

Janssen (2012)

Mendel (2003)

Rees (1995)

³² Foerstel (1999)

Snell (2001b)

³³ Fraser (2001)

Eagles (1992)

³⁴ As named in Darch and Underwood (2010)

developing countries, Stubbs' Hobbesian States, but also beyond purely a focus on the legislative architecture. In particular authors like Roberts (1998 p.9) and Snell (2001 p.26) first pave the way towards to the analysis of FOI beyond the legislation to examine issues involving implementation and administrative compliance. Snell, in particular, advocates for more multi-disciplinary and comparative studies (Snell 2000 p.616, Snell 2001 p.29).

A few years later, Sebina (2006) also contributes to the expansion of the boundaries of the FOI academic literature by focusing on the possibilities of the implementation of FOI legislation in Botswana while assessing the relation between FOI and records management. Sebina (2006) extracts information not only from consolidated democracies e.g., the United Kingdom but also other African countries, such as Malawi and South Africa, the latter enacted FOI legislation in 2000.

Following these initial studies, a few year later, a group of scholars, like Darch and Underwood (2010) and others, start to break free from a largely legal-centric approach as Stubbs (2012 p.50) and Michener (2010 p. 5) explain in their dissertations. While most of the FOI literature is still embedded with a legalistic perspective, there are some recent studies that focus their research on a wider range of issues. Thus, this newer range of FOI studies pays attention to social and political context as a necessary requirement for a comprehensive understanding of the logic of enactment and implementation of FOI legislation (Darch and Underwood 2010, Hazell

and Worthy 2010, Berliner 2011, Stubbs 2012). This literature has started to consider the institutional social and political context where those regulations are enacted in addition to studying the FOI diffusion process. Scholars, such as Michener, Berliner and Stubbs, have given an extra dimension to FOI studies by adding political science and public policy elements to their analysis as well as many districts outside the Lockean heartland.

Most of these scholars present a sound legal knowledge but they all also add their particular approach to the study of FOI principles and legislations. These studies also explore other territories outside the traditional developed western liberal democracies. For example, Sebina (2006) positions his research in the intersection of record management and FOI legislation. In addition to the strong right-based analysis included in his thesis, Sebina (2006) also adds other elements and dimensions, not only the field of records management but also the assessment of FOI to different governmental aspects such as good governance and anticorruption strategies, among others that allow for a better understanding of the FOI ecosystem in Botswana, as well as the lessons learned from other districts.

Xiao (2011) provides a clear example of adoption of FOI legislation in countries outside the western democracies and with a different rationale to the anticorruption, transparency and good governance discourses that have dominated FOI elsewhere. Stubbs and Snell (2014) also provide

another example of the expansion of FOI literature taking not only the case of China, but also other two well-known cases, Mexico and India, of the diffusion process of FOI outside traditional developed liberal democracies. These studies (Michener 2010, Xiao 2011, Stubbs 2012, Stubbs and Snell 2014) argue the need to expand the literature in parallel with the expansion of the field and the laws outside the one-dimensional, legal centric, analysis of legislation in developed liberal countries. One of the latest examples of this expansion, in geographical and dimensional terms, is provided by Snell and Macdonald (2015). This literature, in particular Stubbs and Snell (2014 p.149), Snell and Macdonald (2015 p.14) provides evidence that FOI legislation needs to respond more to local domestic idiosyncrasy and capabilities than a mere implementation of what has normatively being described as 'best practices' from western developed countries.

As part of the group of studies that are expanding the analysis of the field, Berliner's thesis focuses on the global spread of Freedom of Information in terms of legislation as well as practice. Based on a series of measurements, he strongly supports the role of political competition³⁵ in explaining variation in the timing of passage of FOI laws³⁶ (Berliner 2012). Michener (2010) is another academic studying the conditions promoting,

³⁵ Berliner (2012) measures political competition in two primary ways: the strength of credible opposition parties, and the frequency of changes in party control of the executive. His model strongly supports the role of political competition in explaining variation in the timing of passage of FOI laws.

³⁶ Berliner (2012) explains that FOI passage is more likely when opposition parties have recently increased in strength, and where turnover in party control of the executive has been frequent, both factors result in greater political uncertainty and thus a more competitive political environment.

or delaying, the enactment of FOI legislation. His study focuses on the political determinants of 'strong'³⁷ access to information laws. He tested his ideas in a particular region, Latin America.

Both Berliner and Michener expand the limits imposed by the pure legalistic approach to the topic by analysing other relevant factors such as the political context in which those regulations come into force. They understand that the control over power affects the passage of FOI laws as they exchange secrecy for greater legitimacy, in the words of Michener (2010 p. 71) and uncertainty over the control of that same power in the case of Berliner (2012 pp. 33-34). They both agree that leaders with high control over political power are unlikely to support the passage of FOI laws (Michener 2010, Berliner 2012).

Stubbs (2012) added a historical and theoretical perspective to the FOI field. He focuses on the historical enabling conditions for the diffusion of FOI in relation to the structure of the State. He utilises transnational historical materialism as a theoretical foundation to understand the diffusion of FOI laws around the world. He exposes and analyses the relationship between the diffusion of FOI legislation and Lockean/Hobbesian States. Lockean States, according to Stubbs, before the golden period for FOI legislation, developed a consensual social contract between state apparatuses and society facilitating a right to know

³⁷ According to Michener, FOI laws are strong when they transform the quality of democracy on at least three levels: 1) They improve state capacity; 2) They help expose public sector vice and virtue; 3) They empower citizens with a right to assert other rights (Michener 2012 p. 2)

while Hobbesian states, on the other hand, prevented the further diffusion of the law as, in those cases, a powerful State overshadowed weak civil societies (Stubbs 2012 p.4). This Lockean/Hobbesian dichotomy started to break down by the end of the 20th century with the emergence of a global political economy that facilitated the further diffusion of the law, and public sector transparency. In this new order, civil society organisations, domestic and international, play a key role³⁸.

The early legalistic FOI studies helped with the advocacy of FOI by enabling the setting of 'best practice' standards, legislative design and minimal legislative requirements, external review bodies, rules and limits on fees, etc. While facilitating the policy transfer process, these studies are limited. A deeper analysis of the context and actors in different policy settings was required. These studies start to include considerations, especially from the social sciences of factors such as leadership, power relationships, historical conditions, differences in bureaucracies and administrative practices. A more enhanced analysis of FOI emerged.

This wider and more diverse approach to FOI analysis more often adopted a critical and less idealistic or celebratory analysis of FOI. Advocacy driven reports have a positive and sometimes even naïve approach to FOI legislation, as it is part of their advocacy work. While during this period, academia starts to shift the focus from a simple accounting of the

³⁸ Not only domestic and international NGOs play a key role in this new order. Together with those civil society actors it is necessary to highlight the role played by IGOs such as the World Bank, under Wolfensohn's administration, in the promotion of transparency to curb corruption.

legislative journey and content of the legislation to more critical questioning of outcomes. Articles start to include less optimistic titles such as Roberts (2006b) 'Dashed Expectations: Governmental Adaptation to Transparency Rules', Snell (2002) 'FOI and the Delivery of Diminishing Returns' and Worthy (2010) 'More Open but not more trusted?', to name a few. These studies acknowledge the increased gains in transparency but started to critically evaluate the performance post implementation against predicted or hoped for outcomes, as evident in the cases of Hazell and Worthy (2010) and Worthy (2010).

All these authors open up new lines of analysis and future research areas. The redirected focus on the conditions and context of the passage of FOI laws and/or implementation start to identify a range of actors, including civil society organisations, formerly ignored, or only briefly recognised in the earlier literature. In large part, this attention was a noting of the presence and sometimes a recounting of some activity by these organisations but rarely ascribing or analysing them as key actors or using anything other than a general descriptive label. Occasionally a differentiation was made between international and domestic civil society organisations³⁹.

This later generation of scholars started to incorporate higher levels of diversity in their recounting of the diffusion and progression of FOI. This included Darch and Underwood's Global South category (Darch and

³⁹Berliner's thesis provides an example of this distinction. (Berliner 2012)

Underwood 2010), Stubbs' differentiation and analysis of the Lockean and Hobbesian States (Stubbs 2012), and Sebina's distinction between countries with a constitutional guarantee of the access to government-held information and countries with enacted legislation on the topic (Sebina 2006). These studies, which focus on the international dimension, are not the only ones bringing a new wave of distinctions and depth of analysis.

Other more domestic focused studies of the diffusion of FOI also provide a variety of approaches to FOI adoption and implementation as they incorporate new countries to the previous set of studies primarily focused on traditional western liberal democracies. One example is the research on China by Xiao (2011) and the alternative rationale behind the adoption of FOI legislation in that country. Michener (2010), even though he has a particular focus on media outlets, also provides an overview of FOI advocacy processes in different countries in Latin America. Additionally, Stubbs and Snell (2014 p.164) provide an overview of FOI as an empty signifier and the adaptation to different contexts, in Mexico, China and India. In particular Mexico and India have been the subject of many studies, many of them advocacy-driven.

2.1 Freedom of Information and international civil society actors

Different stages in the diffusion of FOI legislation worldwide are clearly associated in the literature with the internationalisation of the ideas and globalisation. This is especially evident in Darch and Underwood (2010) and Stubbs (2012) but also in Xiao (2011) where he stresses the

difference in Chinese FOI development by the absence or minimisation of that normal global influence. Yet while this trend is acknowledged, a set of key players has escaped detailed and careful analysis. These are the international NGOs and advocates that have deliberately acted as policy transfer conduits, catalysts for change and which provided capacity and resources, albeit at relatively low levels. Furthermore the minimal coverage has largely overlooked the shift in focus, *modus operandi* and activity that has occurred with these international NGOs as the spread of FOI shifted from a largely domestic and isolated adoption process to a clearly international phase. In recent years there has been an accompanying redistribution of effort and focus by those international NGOs between the adoption of legislation and the implementation.

Some advocacy driven studies have delineated the role of civil society advocates during the period of international diffusion (Neuman 2004, Puddephatt 2009, One World Foundation India 2011). The limitations of funding, personnel and often very restrictive governmental regulation or control has meant that international NGOs directly or indirectly have been the key drivers. Organised civil society mobilises pressure to enact FOI legislation and contributes to the drafting of the legislation. They also provide technical expertise during the implementation phase while making alliances with the champions inside the public bureaucracy. In terms of the use of the information, they often act as ‘infomediaries’⁴⁰ and can also

⁴⁰ ‘The term “infomediaries” is widely used to refer to actors who stand between data originating from government and the intended users of the data, facilitating wider dissemination.’ (Davies and Fumega 2014 p. 21)

build citizen capacity (One World Foundation India 2011). Additionally, NGOs can play a key role in monitoring the implementation and enforcement of the law. At the international level (INGOs), they can also promote the application of lessons learned in one country to the specific situation of another (Neuman 2004, Puddephatt 2009).

Within the academic field, a handful of more recent studies including Darch and Underwood (2010), Berliner (2012), Stubbs (2012), and Kasuya (2013), and to some extent Snell (2000), Michener (2010), and Xiao (2011) provide some recognition or coverage of the role of non-governmental organisations in the diffusion of Freedom of Information, in some cases in terms of the international NGOs and in some cases, also their local partners. The coverage of NGOs in these works is generally descriptive, often mentioning NGOs in passing while focussing on other elements. In particular, the role and importance of international NGOs seems to be downplayed or simply accepted as having little import or given a secondary importance in contrast to other areas like the domestic news media or individual champions for FOI.

In this pool of political science-oriented studies, the literature in terms of the role of civil society organisations can be divided into three categories. There is a first group that acknowledges the importance of organised civil society in the diffusion of FOI legislation but approaches these actors as a monolithic group. A second group ignores their role, mainly due to the

context of their research. Lastly, there is a developing third group that focuses on civil society organisations as key actors in this FOI ecosystem. This thesis aims to make a contribution to this last group.

2.1.1 Increasing Recognition

In the first group of studies, authors like Darch and Underwood (2010) and Stubbs (2012) recognise the importance of civil society actors in the FOI field, however, not as the main focus of their dissertations.

Stubbs highlights the role of civil society advocacy actors in which he includes international NGOs as well as networks in the diffusion of FOI, especially in the recent proliferation of FOI in Hobbesian states. Stubbs refers to them as the 'global freedom of information movement' (Stubbs 2012 p.98). Darch and Underwood, even though they differ from Stubbs in the theoretical foundations of their studies, also acknowledge the role of contemporary international non-government organisations, such as Article 19, in the process of the diffusion of transparency laws (Darch and Underwood 2010).

In contrast to this homogeneous portrayal of civil society actors, Berliner (2012 pp. 77-83) provides some elements to differentiate civil society organisations within the FOI field. He distinguishes the roles of international and domestic organisations, the former providing funds and expertise and research material e.g., Article 19, Transparency International, and foundations such as the Carter Center and the Open

Society Foundations with the latter putting pressure on governments in terms of passage, implementation, or both (Berliner 2012 p.44).

In terms of the international civil society organisations, particularly, Berliner highlights the key role that international NGOs play in the translation of international norms into domestic law by persuading policymakers to alter the legal design of an FOI bill to better reflect international norms, using the tools of both information politics⁴¹ and symbolic politics. He points out that the passage of FOI laws is also driven by social influence in regional neighbourhoods or through intergovernmental organisations (IGOs). However, he notes that there is a lack of cross-national evidence for any systematic role that they might play in the timing of passage. He writes, '[f]or every momentous civil society victory, there are countries where advocates were met with delay and defeat for years or even decades' (Berliner 2014 p.488).

Berliner, like other researchers, also understands that access to government information is a topic covered by civil society organisations from different areas. Some advocacy groups present a predominantly legal approach, while others focus on journalist-related aspects and policy. At the same time, while a few advocacy groups are solely focused on FOI advocacy, in most cases, these groups cover a wider range of issues

⁴¹ According to Keck and Sikkink (1999) this concept relates to the use of policy expertise to provide credible and useful information while symbolic politics refers to the use of the role of norm entrepreneurs to bestow recognition of adherence to, or divergence from, international norms in a particular policy area (Berliner 2012 p. 73).

including press freedom, privacy, and anticorruption, among others (Berliner 2012 p.5). Despite all these important distinctions and, even given a particular focus on Article 19 in his thesis, Berliner does not pursue any further analysis of these agents. In particular, he does not pursue the analysis of the differences presented within these FOI groups throughout the years and in particular with the influence of ICT over government information management.

Michener (2010) also emphasises the difference between external and domestic actors, as well as their influence. He understands that domestic actors play a much stronger role while stating that external pressures provide a rather weak explanation for the strength of access to information laws. He stresses the importance of the customisation phases (Karch 2007) in which external actors typically have little say. However, Michener (2010) stresses, unlike other authors in this group, the importance of the news media among other actors in civil society to include topics in the public agenda. Moreover, according to Michener (2010) 'without salient coverage in the news media it is much less likely that CSOs promoting [FOI] will have [a] decisive influence over the strength of reforms adopted' (Michener 2010 p.379).⁴² However, it appears from reading Michener's thesis that even though the news media is a key actor in terms of agenda setting, its role is not prevalent in the domestication and implementation of those regulations or principles.

⁴² However, some scholars (interview- academic, June 2013) understand that in the case of Latin American countries, there were other reasons connected to the passage of FOI regulations. Those were the economic pressures (Washington consensus) and the idea to break with the past (mainly related to the fight to protect Human Rights after a period of 'de facto' regimes in the region).

This first set of studies acknowledges the role of organised civil society groups. However, other than differentiating between external and domestic actors, they approach these actors as a monolithic and homogeneous group. This raises some important questions, as this type of analysis does not enable us to understand the differences among those organisations,⁴³ as well as the differences in the role of those organisations, in particular the international ones, between the early period of FOI domestic approaches, or diffusion of FOI among Lockean States in the post 1990' period or the expansion of FOI towards Hobbesian States, identified by Stubbs, or with the internationalisation of the concept.

2.1.2 Lack of acknowledgement

In a second set of political science studies, organised civil society actors are not acknowledged within the analysis, not even as a side topic, of the actors and context of FOI implementation. That is so, due to the geographical and temporal context of those studies. Examples of these studies include those developed by Xiao and McClean. In the case of Xiao (2011) the reason is related to the lack of impact of civil society in the process of diffusion into the particular Chinese context. What differentiates Xiao's analysis is that he was aware of the central role played by both domestic and international NGOs in the FOI process especially since the mid 1990s. For Xiao it is the actual absence of these groups from the Chinese story, which is understandable in terms of the Chinese

⁴³ In that sense, local context becomes more important than the universal standards, which have been set in the Global North.

government's massive restrictions in this area, but nevertheless noteworthy for the absence.

In the case of McClean (2011), he focuses on what Stubbs (2012) designates as Lockean States or for Darch and Underwood (2010) the Global North. The role of the INGOs is crucial in the process of international diffusion of FOI principles from Lockean to Hobbesian States. However, the importance and even the existence of FOI INGOs, in the first stage of modern FOI history, in which most of the consolidated democracies adopted FOI legislation, is not as relevant as in the other stages of the internationalisation and diffusion of these principles and laws into Hobbesian States, as labelled by in Stubbs (2012).

Sebina (2006) could also be added to this group of studies. Not only does the emphasis on records management and the relationship between FOI legislation and constitutional guarantees of these FOI principles limit the inclusion of civil society actors in the research. More importantly, the time and region in which the research counts against significant mentions of international and domestic FOI civil society actors. Africa had lagged behind other regions regarding the adoption of laws guaranteeing the possibility to access information by the time of Sebina's research. In the past decade the work of civil society organisations, domestic and international, has considerably increased in the region, together with the number of countries with FOI legislation in the continent, even though it is

still limited in comparison to other regions in the world (Hartshorn, 2014 p.9).

The limited or non-existent participation and involvement of these international civil society actors in the FOI principles' diffusion, enactment and/or implementation of the legislation in certain contexts, relates to the heterogeneity of these civil society groups in each of the fields. FOI civil society actors, as well as OGD groups, are not a homogeneous and static set of organisations. These actors differ in many aspects and the absence of the international actors from certain context reinforces this diversity and thus the need for further exploration.

2.1.3 New Studies

Kasuya (2013) has conducted preliminary research on the topic of NGOs working on transparency and not necessarily just the FOI field. This study provides an overview of transparency NGOs and INGOs around the world with regards to their formation, organisational structure and activities based on a survey she conducted in 2013. The study is limited in its data, 6 responses out of 26 INGOs listed in her paper and domestic in its focus. However Kasuya's study is an important first step towards a better understanding of the role of these actors and some of the differences between them including a basic domestic/international categorisation (Kasuya 2013).

Kasuya (2013 p.2) acknowledges the crucial role these transparency civil society actors, domestic and international, have played in the diffusion of FOI legislation worldwide while she also recognises the lack of literature on the topic. The study provides relevant information to advance the building of systematic knowledge on these actors. Kasuya provides an initial overview of these actors for future researchers to build on. The paper does not challenge or comment on the role of these actors but it provides some insight into some of the many differences between them, including members' professional backgrounds, payment arrangements and budget allocation (Kasuya 2013). Thus, it provides information that was not systematically collected previously, as well as a first approximation of categorising this heterogeneous set of actors. It also demonstrates an increasing interest in the analysis of civil society actors in the transparency field.

In a different study, Kasuya, together with Takahashi, provides some analysis of the role of non-state actors, including NGOs in terms of the accountability dimension of transparency and their role as agents of social accountability (Kasuya and Takahashi 2013 p.14). Even though both authors acknowledge the differences between domestic and international civil society organisations, they do not elaborate on the differences or expand on other aspects of the role and/or structure (Kasuya and Takahashi 2013 p.20).

2.1.4 Further and more refined analysis needed

The gradual recognition of civil society actors as key players, not only in advocacy but also in policy implementation processes, is slowly expanding from civil society discussion into an initial and limited wave of scholarly analysis. However, the three categories of studies in the overview of the FOI literature highlight that there is still an under appreciation and under-explored analysis of the role of civil society actors, especially NGOs.

In this context, this study aims, in the first place, to provide an analysis of the journey of these actors in parallel with the diffusion of FOI legislation. This first approach to the actors, in parallel with the modern history of FOI legislation, allows for a first approximation of this diverse set of actors. However, not only are there differences, within the FOI field, between civil society actors in different stages of FOI modern history, diversity is also present in the group of International NGOs included in this thesis. This second layer of differences provides for a greater understanding of drivers, backgrounds and organisational structure. These elements also allow for a clear analysis of the field as a whole. This knowledge is not only relevant to better understand the FOI field but also provides a means to enable comparison with the OGD area and actors.

Thus, the different layers of analysis included in this thesis allows for a comprehensive analysis of the FOI and OGD fields through the lens of the International civil society groups, as they are key actors in terms of soft transfer, as analysed in Chapter 3. The observations arising from this

research also provides a better understanding of the differential influence of ICT in these two fields and in this diverse group of organisations (as discussed in Chapters 6 and 7).

3. OGD: AVAILABLE LITERATURE

There are several similarities but some key differences in the development of the OGD literature in comparison to FOI. In addition to being a newer development, largely post 2005,⁴⁴ OGD occurs in the intersection between technology and policy processes (Udell 2006, June 28). This intersection has required different types of stakeholders and skills than found in the FOI process. The consequence has been to produce a more varied range of actors utilising different structures and techniques, driven by a greater variety of motivations.

While there is a clear parallel between the development of the academic literature and the diffusion patterns in the FOI field, there are no such clear patterns and association between the literature and developments in OGD. A contribution of this thesis is to provide some analysis and initial exploration of this largely unexamined and still formative area.

⁴⁴ Despite that the main developments have not arisen until the second half of 2000s, there were earlier mentions in the literature to the reutilization of government information and data (Lewis 1995, Perritt Jr 1997). The increasing automatised of government functions and transactions together with concerns on the commercial use of government information (Perritt Jr 1994) and on privacy risks (Paterson 1998) provided many elements for scholarly research.

3.1 Background

The academic literature regarding OGD has not kept pace with both ICT developments and the popular and variable use of this concept among practitioners, advocates from ICT and policy domains, public officials and politicians. Most of the ideas and insights in this emerging field are still in very early stages of development and articulation. Most of the attempts at analysis and understanding in this new field can only be found in blogs, social media, conferences, governmental or international organisations' reports, and more recently in a small number of journal articles, mostly from the technology-oriented publications⁴⁵, with a few exceptions.⁴⁶

OGD has become a hot topic for government officials, practitioners and advocates in recent years. Even though it is not a new concept, the idea of producing large amounts of data in reusable formats via governmental one-stop portals has very rapidly come of age.

The term open data is first used in a policy environment in a NASA⁴⁷ international agreement document to collaborate on ground control stations for American space science satellites as described by Yu and Robinson (2012 p.189). However, the idea of reusing government digital information can also be found in British and French government reports and regulations (Simon 1980, Central Information Technology Unit 1996)

⁴⁵ Some examples are the Journal of Community Informatics and Information System Management (<http://ci-journal.net/>)

⁴⁶ E-Journal of e-Democracy and Open Government (<http://www.jedem.org/index.php/jedem>)

⁴⁷ Memorandum of Understanding on Remote Sensing, U.S.-It., May 9, 1974, 26 U.S.T. 3078, 3080 in Yu and Robinson (2012).

as well as in British civil society demands (The Campaign for Freedom of Information 1995, October 12) during the 1980s and 1990s⁴⁸ (Fumega 2015b).

In most of the above-mentioned documents of the 1990s, the idea of reusing information is transactional and related to ICT developments for better service delivery as it is clearly portrayed in the first government projects on the topic, such as CitiStat⁴⁹. A few years later, in the early 2000s, the notion of reusing government information is closely associated with the 2003 European Union (EU) Public Sector Information (PSI) Directive (European Commission 2003), even though the term Open Government Data came to be popular after 2009 with Obama's Memorandum on 'Transparency and Open Government' (Obama 2009) as well as the significant attention that the US and UK portals received⁵⁰ at that time (Fumega 2010).

⁴⁸ The term "open data", even though not a popular term in government circles in the 1990s, became a recurrent part of the vocabulary in scientific circles in regard to geophysical and environmental data (Chignard 2013, March 29).

⁴⁹ According to Joshua Tauberer, the Mayor of the City of Baltimore (U.S.), Martin O'Malley, implemented one of the first public data-related initiatives coming from a public agency in 1999: CitiStat. This tool aimed at addressing a number of problems associated with the poor performance of that local government (high levels of crime, costly taxes and a government that had high levels of staff absenteeism). Even though it was first intended to monitor only the level of absenteeism among public officials, it eventually expanded to monitor all social programs in the city. This initiative set the basis for creating a website, in 2003, to allow public access to social programs' statistics in Baltimore. This same initiative was replicated in other cities, such as Maryland and NYC. Tauberer (2012) in Fumega (2013 p.8)

⁵⁰ A few examples of that attention are;

- Hansell (2009, May 22);
- Rosenthal (2009, July 31); and
- The Economist (2010, February 4).

With some exceptions, the initial studies involving a limited array of mixed sources, a few journal articles, reports, working papers and blog posts from the advocacy arena are mainly focused on defining and delimiting the concept and its main characteristics (Yu and Robinson 2012) as well as exploring the possibility of developing frameworks for a better assessment of those policies. The successful impact measurement of these policies is still an uncompleted task. Other works largely focused on the technical aspects of the topic (Eaves 2009 September 30, Robinson, D., Yu, H., Zeller, W., William, P. and E. Felten 2009, Gigler et al. 2011, Heusser 2012, Janssen et al. 2012, Yu and Robinson 2012).

As with FOI, some scholars and increasingly, advocacy groups,⁵¹ have started to provide models and standards to help in the definition process of the OGD concept. However, as with the first group of FOI academic studies, the first reports are mostly based on case studies, at country or city level, of different OGD initiatives, such as the open data policies in US, UK and Australia. The difference between these two fields is the origin of those reports. While in the first stages of FOI diffusion, the reports (aside from academia) were mostly coming from civil society advocates, in OGD those reports are being developed or commissioned by governments implementing those policies (Mayo and Steinberg 2007, Government 2.0 Taskforce 2009, Power of Information Taskforce 2009, Davies and Lithwick 2010) as well as by different civil society and academic actors

⁵¹ In December 2007, 30 open-government advocates met in Sebastopol, California to develop a more robust understanding of why open government data is essential to democracy. They spelled out key requirements for government data, which emphasised the need for easily accessible, machine-processable and highly reusable data. More details of the meeting: https://public.resource.org/open_government_meeting.html

(Napoli and Karaganis 2007, Access Info and Open Knowledge Foundation 2010, Hogge 2010)

Similar to the material found in the FOI movement, most of the first reports on OGD provide a simplistic and optimistic view of its benefits (Maali et al. 2010, DiFranzo et al. 2011, Hoxha and Brahaj 2011, Villazón-Terraza et al. 2011, Wang et al. 2011) but lack an analysis of the barriers to, risks from, disclosure and use, as data that is not being used provides no value (Jansenn et al. 2012). This largely relates to the work of advocacy and evangelists in both groups of initiatives (FOI and OGD). These actors need to emphasise the benefits and value of the access, in the case of FOI, and the use, in the case of OGD in the first stages. As the academy usually comes later in the analysis, they are just starting, in the case of the OGD field, to analyse these issues.

A similar path to the first stages of the FOI literature can also be found in the incipient OGD-related documents (Figure 3 and 4). Most of those early case studies are based on the developed world or Global North. Even though some of them show a broader range of interest and not the mere description of the initiatives and its benefits, they are still primarily focused on country studies in the developed countries. In that sense, some work has been done in the EU, focusing on open data and its relation to the PSI directive (Sheridan and Tennison 2010, Kalampokis et al. 2011, Bates 2012) and in the implementation and potential impact (Janssen 2011, De Chiara 2013). There are also some other works focusing on the underlying

political economic context while using the UK as a case study and interests of the Public Sector Information (PSI) industry in OGD policies (Ubaldi 2013).

FIGURE 3-Trends on the development of OGD literature – timeline

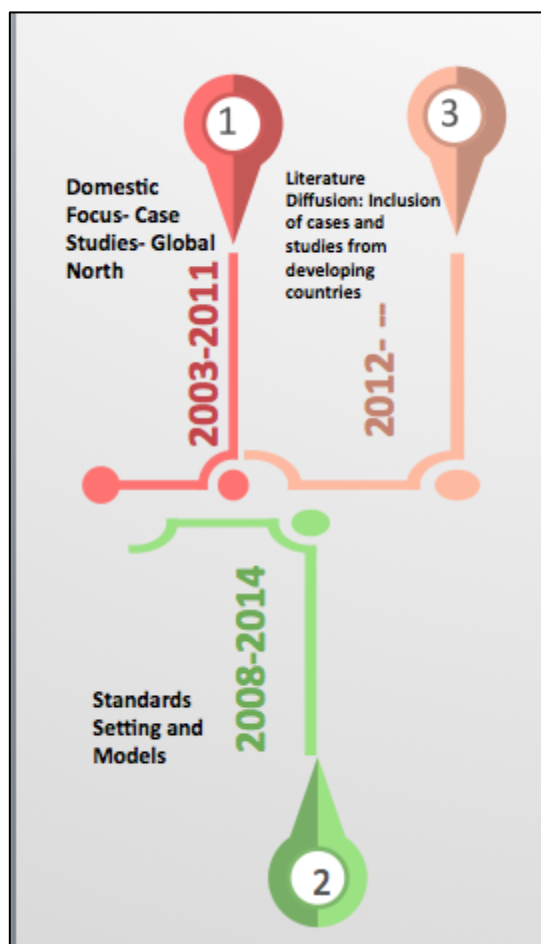
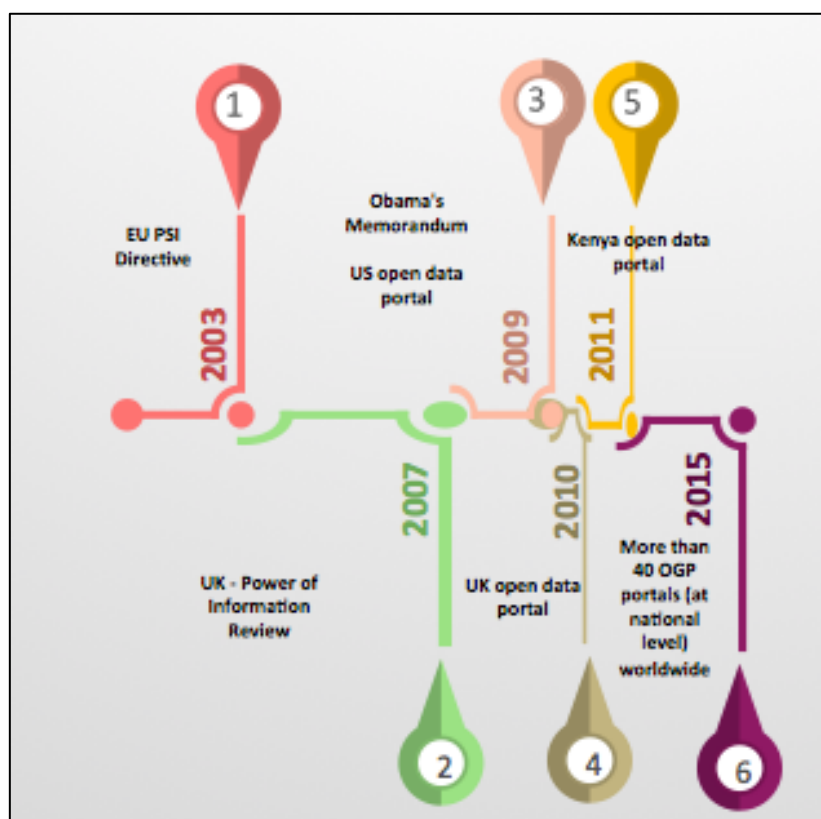


FIGURE 4- Examples of the development on OGD Policy – timeline



There has been a recent change in emphasis and coverage, including reports on Kenya Open Data Portal (Rahemtulla et al. 2012), a variety of countries in Latin America (Fumega and Scrollini 2014, Gonzalez- Zapata and Heeks 2015) as well as the research project funded by the Web Foundation and IDRC on the Emerging Impacts of Open Data in Developing Countries⁵², which included reports from Philippines (Canares 2014) and India (Agrawal, et al. 2013, Srivastava et al. 2014). as well as some Latin American countries (Fumega 2014b, Matheus and Ribeiro 2014, Scrollini 2014), to name a few (Davies 2014). The current Latin American Open Data Initiative (ILDA)⁵³ has also contributed to this new

⁵² <http://www.opendataresearch.org>

⁵³ <http://datosabiertos.org/about-ilda/>

trend in the OGD literature. ILDA has provided a first approximation of different aspects and sectors related to open data policies in Latin American countries that are explored, i.e., Open Data in local governments (Bonina 2015), Parliaments (Belbis 2015), Open Data and Education (Khelladi 2015), and Open Data and Health (Pane et al. 2015).

These recent studies clearly demonstrate the rapid pace in which the OGD field of study is moving. In that sense, the OGD field, due to rapid developments in ICT, has moved through similar stages to FOI research, but at a much faster pace. While in the FOI field the passage from the domestic to the international realm took decades, in the OGD arena a similar process has taken only a few years. This leads to an overlap of stages in a short period of time, leading to the present stage, similar to the FOI field, where studies are starting to focus not only on definitions and models to better understand these policies in the developed world, but also exploring the context and results in the developing world.

Two published theses have focused on OGD from a social sciences perspective, and not just the technical aspects of the data disclosure. These two postgraduate studies, Davies (MSc thesis, 2010) and Yu (PhD thesis, 2012) focus on the intersection between social/legal sciences and information technology. Both analyse the implementation, the mistakes, failures and advances of OGD initiatives in developed contexts, e.g., UK and US. They both focus on the role of governments, as providers of data

and on private parties, individual entrepreneurs or companies, to build innovative applications (Davies 2010, Yu 2012). As in the FOI field, this incipient area of work has not focused much attention on the varied range of actors forming the ecosystem around OGD initiatives. There are some other early studies but they mostly focused on case studies of the role of Governments - local and/or national - more than in any other actor in this ecosystem (Fumega 2010, Kloiber 2012, Agrawal et al. 2013, Kassen 2013, Nugroho 2013, Fumega and Scrollini 2014).

Apart from this limited range of studies and more anecdotal information and stories about the process of the implementation of Open Data initiatives, there is a lack of analysis and understanding of the role of not only civil society organisations but also all the involved actors in the area of OGD, from policy to social entrepreneurs to domestic and international NGOs. In terms of the role of NGOs in these initiatives, as consumers of information, or as advocates of these policies, the only studies mentioning their role are advocacy-driven reports. One such report was produced by Access Info and OKFN (Access Info and Open Knowledge Foundation 2010), while Hogge created another for the Open Society Foundation (Hogge 2010). The first one was developed as a document for practitioners' consultation on the main topics regarding the new OGD agenda. The other study focuses on the US and UK governments' OGD initiatives to understand how to transfer that policy into developing countries, while including some quotes from civil society actors from transparency NGOs.

As with the experience in the FOI field, there is some acknowledgment of the potential role of international civil society actors, e.g., a recent masters thesis from Rubinstein (2014), but to date, there is a lack of a body of work taking that idea and exploring it in a more systematic manner, similarly to the void in the FOI field already discussed. While Rubinstein (2014) explores the role of civil society in national governments in Europe and how they affect the government data openness levels, Rubinstein approaches the area with a limited scope: it only focuses on European OGD civil society actors by applying a quantitative approach to understand the relationship between level of openness, in a given country and the presence of civil society actors. The importance that Rubinstein gives to these civil society actors contributes to building a greater understanding of civil society actors within the OGD field. Rubinstein, while focusing on European actors, also identifies a need for more research on civil society at a global and international level (Rubinstein 2014, p.17). This thesis helps to fill the gap identified by Rubinstein.

In this context, one of the few academic works to date, which sheds some light on the actors involved in OGD initiatives, is Pyrozhenko's presentation to the 11th Annual Public Management Research Conference (Pyrozhenko 2011). In this paper⁵⁴ Pyrozhenko explores the linkages between three social movements, including Open Government and the Free and Open Source Software Movement (Pyrozhenko 2011).

⁵⁴ This paper is a preliminary presentation of his PhD thesis. In this thesis, Pyrozhenko adds to the analysis of the Open/Free Software movement, the Sustainable Community Movement and the Natural Childbirth Movement. (Pyrozhenko 2012)

These philosophical elements were also explored by Coleman (Coleman 2004, 2011, 2013) in her research on hacker communities. This group of actors plays a key role in this field as one of the pillars of the open data advocacy groups Pyrozhenko 2011. However, Pyrozhenko (2011) and Coleman (2013) while providing key elements to better understand some of the ideas behind OGD civil society actors, such as the importance of the hackers' ethic, mostly focus on individual actors. These are key relevant actors but there is a whole set of organisations, local and domestic, some of them explored by Rubinstein (2014) that are not covered by this analysis.

Another scholar, Janssen (2012) provides one of the very scarce examples in the literature of approaching actors working in both fields (FOI and OGD). She sheds some light on the drivers behind the actors working in each field, and thus where some of the differences might lie. Janssen's classification allows for a preliminary understanding of some of the differences between these two fields.

In the case of OGD, the variables identified by Janssen as drivers⁵⁵ include accountability, participation, innovation and economic growth, and public sector efficiency (Janssen 2012 p.11). The author points out that the OGD movement relies more on two of those four drivers, innovation and economic growth as well as the enhancement of public sector

⁵⁵ To properly frame the analysis those 'drivers' identified by Janssen must be reframed as motivation/goals/justification.

efficiency. This position ignores the two other drivers, which are closely related to the drivers identified in the FOI movement, accountability and citizens' informed participation. Janssen identifies FOI with transparency and accountability, participation, information for citizens to exercise their rights and obligations and, proprietary justification⁵⁶ (Janssen 2012 p.12).

While Janssen provides important elements to start analysing the differences between FOI and OGD, as already observed in the FOI field, there is no further analysis of the different actors within the FOI and OGD advocates. In both fields, the author provides references to the movement (Janssen 2012 p.3) and to activists (Janssen 2012 p.4), however, there are no clear delimitations and analysis of different actors within each of the fields and/or between them beyond the main drivers. In contrast, this thesis examines the main international NGOs in each of the fields, as they are the actors capable of transferring the principles and helping to set the agenda of many domestic groups. Thus, this research expands on this initial acknowledgement of civil society actors. Furthermore, after identifying and analysing the influence of ICT over these information management related fields and some of the actors performing advocacy tasks, this thesis allows for a greater understanding of the fields and the main international civil society organisations, by providing a detailed observation of these actors.

⁵⁶ Following Peled and Rabin (2011) in Janssen (2012), this 'proprietary justification' relates to the concept that the information held by public authorities is the property of the state's citizens and residents. As owners of the information, they should clearly have access to it. (Janssen 2012 p.5)

4. GAPS

Two important gaps are exposed by this review of the literature in relation to FOI and OGD. First, there is a significant void in the literature in terms of the analysis of civil society actors in both fields. This gap is not only present in the newly developed OGD literature but also in the more established FOI studies. A more detailed and nuanced analysis and understanding of advocates, NGOs and, in particular, international NGOs, is vital beyond simply expanding the academic literature. These organisations exert great influence upon both domestic and regional actors as well as governments and IGOs like the United Nations and the World Bank in these two areas. Many of the members of these organisations provide their expertise to different projects run by these IGOs. They are also crucial partners in multi-stakeholder initiatives such as OGP, where they are in a position to sit with governments and contribute to setting the agenda.⁵⁷

These organisations and their key members have played central roles, often at both subnational, national and international level in determining both the diffusion of FOI and OGD as well as the legislative architecture and policy agenda, for FOI in particular and the direction and often the substance of OGD initiatives. To a large extent very little differentiation is

⁵⁷ In some of these government-led events there are meetings organized by civil society to exchange ideas and to discuss their positions before facing joint events. There are multiple examples but some of the most relevant are the Civil Society Day organized the day prior to each The International Conference of Information Commissioners (ICIC), one of the main events of the FOI field, and the Open Government Partnership (OGP), a crucial event for both FOI and OGD communities.

made between international NGOs and other NGOs, between FOI and OGD entities and with other groupings like the media/fourth estate, social movements and interest groups. In the current literature these actors are acknowledged but their work is not properly analysed. They are researched as part of a community, movement or field, but a careful consideration of their particularities has not yet been provided.

This thesis, by focusing on FOI and OGD entities at an international level aims to provide a more calibrated and original analysis of their operations both as agents of diffusion and to understand some of the key points of convergence and differentiation between and within this subset of NGOs. In particular this thesis recognises that civil society is heterogeneous and there is much to gain from a more finely tuned treatment as demonstrated by the focus of this thesis on international NGOs involved in FOI and OGD. This heterogeneity and variety is not only a product of the main goals they pursue and their professional background/philosophy but also in the way they approach technology. All these elements allow for a greater and more detailed understanding of these relevant actors and the rationale behind the connection between these actors in these two fields. Thus, a secondary but significant aspect of this thesis is the deployment of the analysis developed for the thesis to help improve the communication, interaction and collaboration between key actors in these two fields.

CHAPTER 3- REVIEW OF LITERATURE ON NON-GOVERNMENTAL ORGANISATIONS

1. INTRODUCTION

The role of organised civil society is largely neglected in current research, as observed in Chapter 2, even though some recent studies, mostly from the FOI field, have acknowledged the importance of non-governmental organisations (NGOs) to policy diffusion processes. However, in these recent FOI studies, these organisations are characterised as monolithic actors, with little difference in terms of scope, strategies, among other potential points of difference. This chapter aims to unpack the different categories of these civil society actors, with a particular focus on the international institutionalised civil society groups.

International/Transnational⁵⁸ NGOs (INGOs) are understood, within this research, as the main nodes used to analyse the actors advocating for access to government information at a global level. However, they are not the only relevant actors. Individual advocates as well as transnational networks play a vital role in the diffusion/transfer of FOI and OGD principles and initiatives.

Despite the variety of civil society actors in the FOI and OGD fields, they are all related, in one way or the other, to INGOs. Thus, in most cases,

⁵⁸ In spite of the semantic differences, in this thesis the concepts 'transnational', 'global' and 'international' are treated as synonyms.

individual advocates are, or were linked to NGOs, by participating in one of them or by closely collaborating with them or with networks. These networks are mostly composed, or run by these international/transnational organisations (INGOs). In this sense, individual civil society advocates are usually part of projects, which are linked to a domestic or international organisation from training to assistance in drafting and/or implementation of legislation, among other tasks. This is even more evident in the case of FOI advocacy actors. In the case that individuals are only connected to domestic organisations, these are, as mentioned, part of a thematic network, for example, Foianet, in the FOI field, which is generally composed or run by international NGOs. In the case of Foianet, members of different international or regional organisations such as Access Info Europe and Center for Law and Democracy, among others, run the network⁵⁹. All four layers of civil society actors, individuals, domestic and international organisations and networks, will be explored in the following sections, however, the main focus of this study is INGOs and whether they are the knots linking the other components in this universe.

2. REASONS TO ANALYSE INTERNATIONAL CIVIL SOCIETY ORGANISATIONS

Policy transfer can be understood as the process by which ‘knowledge

⁵⁹ According to Foianet website, their Steering Committee is made up of 7 individuals from Foianet member organisations. It is elected every 4 years and holds meetings regularly to discuss developments and actions for Foianet to take. For more information: <http://foiadvocates.net/>

about how policies, administrative arrangements, institutions and ideas in one political setting (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political setting' (Dolowitz and March 2000 p.5). This approach to policy or legislative diffusion is not central to this study as the focus is on the role of non-state actors in the diffusion of ideas and principles, not necessarily in the adoption and translation of those ideas into policies.

The work of Stone (2004), however, helps to link the policy transfer studies to NGOs. She notes that policy transfer agents are not, in all cases, necessarily State actors involved with the process of importing or exporting ideas and principles from one jurisdiction to another or the horizontal transfer between states as most of the traditional literature on the topic identifies. In that sense, non-state actors can also be identified as transfer agents taking part of diverse processes of exchange between different polities.

Stone (2004) approaches this gap in the literature by noting that 'rather than bilateral horizontal transfers between states, policy transfers can also occur vertically between states and international organisations or between transnational non-state actors' (Stone 2004 p.8). In this context, many civil society actors are key players in the exchange of ideas at a global scale and between countries. They are generally involved in soft transfer, which is known as the process of adoption of ideas, knowledge, instead of policy instruments and institutions, understood as hard transfer from one political

setting to another.

Despite the importance of civil society groups in the transfer of ideas between polities, it is often difficult to understand the main characteristics of these actors, as the NGO label encompasses a large variety of groups and actors. In this blurry universe, it needs to be added that NGO is one of the more than 40 different other ways to denominate this group of actors, depending on the country and its tradition⁶⁰.

Despite these difficulties, non-governmental organisations, non-profit organisations, or charities -they also differ in terms of the specific legal form they adopt e.g., foundations, associations, among others- have received attention from several scholars during the past few decades (from Berger and Neuhaus (1977) emphasis on the sense of community these groups provide, to Douglas (1983) and Drucker (1990) approach to

⁶⁰ In his article, Najam (1996 p. 206) developed a list of more than 40 different acronyms that refer to NGOs in different countries around the world, depending on the tradition they follow. Some of the most popular names are NGOs and non-for-profit organisations. The name 'non-for-profit organisation' (NFP) is mostly related to the US tradition. This term relates to the fiscal benefits these groups receive if they prove that they do not pursue commercial profit. (US tax code 501(c)(3) organisations).

The 'non-governmental- organisation' (NGO) denomination is commonly associated to the development of the UN Charter in 1945. In that document, the name 'non-governmental organisation' was awarded to international non-state organisations, which gained consultative status in UN activities. This name is currently associated with any organisation working at internationally or in the development area and not pursuing commercial profit.

In practical terms, non-governmental and non-profit organisations refer to the same type of organisation. They are neither state actors nor private businesses. Due to the different origins of both terms, 'NGO' is commonly used internationally while 'non-profit' is the popular denomination in the US.

Other popular denominations are charities and voluntary organisations. Both labels are commonly used in the United Kingdom (due to a long tradition of voluntary work informed by Christian values and the development of legislation on charity).

After that list, Lewis and Kanji edited it and added a few names (e.g. 'Dotcause Civil society networks mobilizing support through the internet' and 'COME'n'GOs The idea of temporary NGOs following funds') to that already extensive list (Lewis and Kanji 2009 pp. 9-10). See Appendix 3 to review the list.

the third sector to Salamon and Anheier (1997) focus on NGO's definitions, to name just a few). The peak of this scholarly interest takes place in the period after the fall of the communism, which marked a rapid increase in the number as well as functions these organisations play in modern societies, as well as the beginning of a process of globalisation in the sector.

Thus, there is some research done on the role of non-governmental organisations collaborating on the process of transferring ideas from one state to the other, even though most of the research in the field focuses on governmental actors (Stone 2004). While there is a small amount of studies on the role of NGOs as diffusion actors, there is a vast amount of studies on the creation of these organisations; in particular, there is a large amount of research coming from the Johns Hopkins Center for Civil Society Studies⁶¹ (Salamon and Anheier 1996, 1997, Salamon et al. 1999, Salamon et al. 2000, Anheier and Toepler 2009) and their relationship with governments (Salamon 1995, Coston 1998, Young 2000). In this literature, some of the theories around the genesis and development of these organisations, usually based on single-factor explanations for that development are the heterogeneity approach; the supply-side theory; the trust; and welfare state theories (Salamon and Anheier 1998).

The genesis of these actors is attributed to different reasons, depending on the theory supported by each author. The heterogeneity theory comes

⁶¹ For more information on the Johns Hopkins Center for Civil Society Studies: <http://ccss.jhu.edu/>

from the economic field. This theory explains the existence of NGOs due to the need to cover market failures that governments cannot satisfy (Weisbrod 1977). As governments cannot produce all public goods that a diverse and heterogeneous society might demand, civil society actors cover such government failures. In that same vein, Brown and Korten (1991) argue that those failures create the space for NGOs to provide innovative responses.

The Welfare State Theory states that the more provisions of social welfare service by a State, the smaller the non-profit sector would be (Willetts 1996). According to another theory, the supply-side theory, it is not only necessary that the production of some public goods cannot be supplied by government but also the presence of certain actors willing to satisfy that demand. These are described as 'social entrepreneurs' (James 1987). This theory partially covers the criticism that these theories have received for their lack of explanatory powers in terms of other important variables, such as religion (Ragin 1998). According to this theory the presence of a variety of religions in a given society could incentivise the presence of such social actors that, in many cases, have been traditionally interested in providing this type of goods (Willetts 1996).

Trust theories found their explanations on the information asymmetries faced by consumers. The lack of information that consumers experience in a given society could lead to a lack of trust from those consumers towards the business sector. This theory considers that non-profit organisations

are trustworthy and therefore can fulfil that function (Hansmann 1980).

All these theories approach the genesis of non-governmental bodies as a product of the failures or uncovered areas by the State or the Market. They all relate to the idea that non-profit organisations are a secondary product of those failures. They all pose a zero sum game between the government and the non-profit sector. In response the interdependence theory (Salamon 1995) argues that non-profit organisations precede government in providing public goods but due to voluntary failures, they develop synergistic relations with the public sector over time (Salamon 2003).

Lastly, due to the limitations of approaching the analysis of these organisations as a by-product, Salamon adds another approach to the development of non-profit organisations, the Social Origins Theory (Salamon and Anheier 1996). According to this theory, the size and structure of the non-profit sector is a reflection of its embeddedness in a complex set of relationships, classes, and regime types.

All these theories focus on the origin of these diverse set of actors, approaching them as if they all behave in the same ways, from social clubs to community hospitals to workers unions to international organisations, and can be analysed under the same light. Another limitation of these approaches is that even though they provide some bases to explain the genesis of these relevant actors in the current world,

they are, according to Sama (2009), based on general assumptions, which lack solid empirical evidence (p.4).

Another relevant point regarding most of this NGO related literature is that there is a dominant liberal view of these organisations, as well as their genesis. NGOs are generally approached as inherently good and desirable elements of a developed and pluralistic society, as their presence and their work strengthen civil society and therefore democracy as a whole (Mercer 2002). Even though this study partially follows that tradition, due to the focus of this thesis on the fields of FOI and OGD, as they are components of western liberal democracies, there are some caveats to that approach. Even though this study agrees with the idea that NGOs can, especially in the transparency and accountability field, play an important role as watchdogs⁶² and agents of change, they are neither homogeneous entities nor inherently good institutions created to cover government's failures.

Moreover, even though the aforementioned theories on the genesis of NGOs provide some theoretical background, they do not offer the bases to understand the main characteristics of modern organisations, their differences, or the changes of their organisational history in a rapidly changing environment such as the access to government information and data. As these organisations are inevitably diverse in terms of their

⁶² The alternative view to this predominant liberal one comes from the neo-Gramscian approach to the State and to the civil society. In this light, civil society is seen as the sphere to generate political change and replace regimes in opposition to the intermediation role from the liberal and neo-liberal approaches to the topic. (Rubinstein, 2014 p.14)

degree of formality, their size, activities, scope, among others, it is impossible to refer to them under a single label. This study approaches these groups taking into consideration the variations among them, their singularities, their contributions to FOI and OGD fields as well as their role as perpetrators of the ideals of western liberal democracies avoiding ethical or moral judgments, to better understand this area of investigation. In order to do that, some clarification about the subject of this study needs to be provided.

3. A WORKING DEFINITION

It is important to establish the limits of the concept of non-government organisations, and how the term is applied in this research. Although there are no clear definitions, there are some basic qualities that most definitions share. Thus, NGO refers to legally constituted civil society⁶³ organisations operating independently from any government and they are not conventional for profit businesses (Stankowska 2014). They are organised on a local, national or international basis. Some other generally accepted characteristics these organisations share include that, they are not constituted as a political party, they are not part or of a criminal group, and in particular, they are non-violent (Willetts 2002). However, this approach to these groups raises some criticism.

⁶³ Despite the multiple debates about the meaning of the term 'civil society', in most of this studies, the term is understood as the sector independent from the government arena and from the for profit market place.

In terms of their independence from governments or businesses, one of the main characteristics usually associated with NGOs is that these bodies are neither run by government nor driven by profit. Yet there are critics to this idea of independence from government or industry, as many of these groups receive government funding and/or others can resemble highly professionalised private organisations with strong corporate identities⁶⁴ (Lewis and Kanji 2009). However, these are not the characteristics that usually defined them when they were created and they are not usually their main goals.

Despite the different approaches to the study of civil society groups, most researches also tend to focus on the creation and expansion of domestic NGOs (Salamon and Anheier 1996). While international groups are usually mentioned in the literature, they are included as just another category sharing the same characteristics as domestic actors⁶⁵.

Most of the literature is focused on their role in development, is seen as related in some way to providing assistance in the fulfilment of basic needs of a disadvantaged population. In most cases, that relief manifests

⁶⁴ As a consequence, in some countries these non-governmental bodies are also included under the FOI legislation's mandated bodies. The need to fulfil this duty of providing information because, in some cases they carry out public functions or they receive public funds. Thus, the notion that FOI legislation only applies to government information or data as distinct from information held by private entities (including NGOs) is increasingly becoming blurred and out-dated.

⁶⁵ The label INGOs first appears in mid 20th century. One of the first documents where this label appears is the resolution 288 (X) of ECOSOC (The Economic and Social Council of the United Nations). In that document, INGOs are defined as "any international organisation that is not founded by an international treaty". This definition due to its looseness leaves plenty of room for establishing narrower limits to these organisations. (Najam 1996)

in basic service delivery or campaigns to improve certain situations of a given population or group. In that sense, the World Bank definition of NGO is just one example among many others, which stresses the importance of these organisations in helping disadvantaged populations. This is similar to a welfare approach, 'private organisations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services or undertake community development' (Gibbs et al. 1999)⁶⁶. However, even though FOI groups are classified, mainly during the late 1990s and first decade of the 21st century, as organisations campaigning to access government information as well as establish its potential as a human right, the groups working on open government data are mostly working on the use of open data proactively published by governments and therefore can hardly be classified as helping to fulfil the basic needs of a disadvantaged population. This is the reason why OGD groups were not able to get much

⁶⁶ Related to that emphasis on the role of non-governmental organisations in the fulfilment of some basic needs, Korten developed a classification based on their strategies in terms of development.

1) The first generation is related to the provision of disaster relief and welfare - the original role of Northern NGOs such as Oxfam;

2) The second-generation strategies focus on promoting small-scale, self-reliant community development; and

3) Third-generation strategies involve increasingly large and sophisticated NGOs *"working in a catalytic, foundation-like role rather than an operational service-delivery role... facilitating... other organisations [to develop] the capacities, linkages and commitments required to address designated needs on a sustained basis"* (Korten 1987 p.149)

Korten added a new category to this list a few years later:

4) Fourth generation's organisations aim to build "a critical mass of independent, decentralized initiative in support of a social vision".

Part of the strategy of this fourth generation organisations is to build linkages between different NGOs and addressing the more structural issues at the heart of social and environmental problems. (Korten 1990 p.123)

funding during the first decade of the 21st century⁶⁷, as donors did not view them as contributors to fighting poverty or other development issues.

The limitations to creating a unique definition is not only restricted by the constraints of the literature on the topic but also by the way in which these organisations currently work in a constantly changing environment, where some structure seems to get more flexible, communications are faster and easier, distances are shortened, and the role of these organisations is vital in transnational networking (Stone 2004).

3.1 Delimiting the Universe

The NGO label may encompass a large array of entities, e.g., hospitals, universities, social clubs, professional organisations, environmental groups, sports clubs, and human rights organisations, among many others (Salamon et al. 2003). In fact, the term Non-Government Organisation is an umbrella term that encompasses nearly all other organisations that are not classified as Government or Private sector industries. These organisations vary in size and strength. They can be a large organisation with multiple regional offices, or they can be a community-based organisation with a small staff. Thus, in the face of this heterogeneous and changing universe, an ultimate definition, including the actors working at a global level, is difficult to define. Instead of forcing a definition, some key common factors need to be analysed to delimit and clarify this universe comprised by international groups working on FOI and OGD.

⁶⁷ This idea was repeated during interviews with OGD civil society professionals, conducted for this thesis (see Table 1 in Chapter 1 Section 3.4 for more details)

What are the main common variables that should be considered to better understand the common characteristics of civil society groups working on FOI and OGD? NGOs can be classified on the basis of different factors, such as what they do, how they approach their work, who o they work for, and where they work? All these questions, and more, can be grouped in three main areas to better understand this heterogeneous universe: content, engagement, and structure.

3.1.1. Content

Some of the variables related to the content that each organisation is producing are the topic they are working on as well as the approach to that particular topic. Some organisations focus only in one specific area, a single topic, while others have a broader interest, an umbrella topic, e.g. human rights. FOI and OGD have been approached from different perspectives (from a journalist point of view such as media outlets working in data driven journalism (DDJ) e.g. La Nación Data team⁶⁸; a focus on human rights protection such as in the case of the Commonwealth Human Rights Initiative (CHRI); an interest on FOI as a tool to fight against corruption, as the case of Transparency International; among many others). Different groups have different interests in regard to a particular topic and, thus, FOI has been the main area of work for different groups, such as journalist associations, legal centres, and policy think tanks, among others. A similar division applies to OGD.

⁶⁸ <http://www.lanacion.com.ar/data>

3.1.2 Engagement

Differences also relate to the types of engagement with governments and other civil society actors. As these organisations do not work in a vacuum to achieve their mission, they need to engage in different activities with a diverse range of actors. The differences in how these actors collaborate with others depend on their main activity, audience, and, of course, their partnership arrangements.

One key element, to better understand these groups, is their targeted audience. One main distinction between civil society groups is whether they pursue benefits for their own members or for a third party. Some civil society organisations such as social clubs as well as professional organisations, aim to provide services to their own members, while others focus their work on other audiences and do not work on membership bases.

Another popular distinction is based on their main activity. The World Bank set a well-known distinction between operational and advocacy groups (Malena 1995). Operational organisations are primarily focused on the design and implementation of projects (Malena 1995 p.16). On the other hand, advocacy groups are organised to defend or promote a specific cause. As opposed to operational project management, these organisations typically try to raise awareness, acceptance and knowledge by lobbying, via the press and/or activist events, among other strategies.

Stubbs points out that different FOI organisations and members of different transnational advocacy networks, have undertaken a core function at the promotion of the adoption of FOI regulation together with the implementation of global standards of access, while providing their unique vision and particular expertise e.g. legal, journalism, privacy, media, among others (Stubbs 2012 pp. 104; 154). These networks are crucial components of the advocacy and diffusion work of these organisations and to achieve their goals in terms of diffusion these transnational organisations need to work with other actors. Thus, it is important to differentiate among an array of cooperation models between the organisations to understand the mechanism by which different groups translate/transfer the ideas and principles they are pursuing. Stubbs also highlights the primary role of domestic organisations in the FOI reform process in a given country while international NGOs play a supportive role (Stubbs 2012 p.154). In that sense, domestic organisations can cooperate with one another at an international level by establishing partnerships with other groups working at the national or community level.

Different cooperation arrangements are also related to some of the most common variables to classify NGOs. For example, size and geographical scope are two variables that limit the role and activities these organisations engage in. Thus, large international NGOs seem to have better chances to influence the diffusion of principles and ideas due to the amount of time and resources they can deploy to support their cause and also because of their extended geographical scope. Some of them usually

work with selected partners in the Global South e.g. Transparency International (TI) present and extensive list of independent chapters all around the world; they also are part of thematically related or geographical networks e.g. TI is a member of the Extractive Industries Transparency Initiative (EITI⁶⁹) and CHRI is the host of the South Asia Right to Information Advocates Network (SARTIAN⁷⁰); others collaborate with temporal allies depending on the project they are embarked on, e.g. Centre for Law and Democracy and Access Info Europe partnered to develop the RTI Rating⁷¹; and sometimes they also collaborate with governmental organisations, e.g. CHRI has trained an extensive number of government officials in India and other countries in the region (Rodrigues 2008 p.11).

3.1.3 Structure

One of the features associated with these organisations is the voluntary manner in which many of their members perform their tasks. In some cases, they are referred to as voluntary associations. However, even though NGOs are traditionally defined as civil society groups, strongly relying on volunteer work, most international organisations have highly professionalised paid staff.

These organisations are thought to be lead by and composed of people who share a personal interest in the mission, however, this interest is not a necessary condition, particularly with the increasing professionalisation of

⁶⁹ <https://eiti.org/>

⁷⁰ <http://www.sartian.org/>

⁷¹ <http://www.rti-rating.org/>

their staff. Professional staffs of NGOs are not necessarily driven by the cause. It can be said that staff members are, in most cases, working on the same basis they might work in other settings. The adhesion, or not, to a particular cause may provide an additional incentive. Moreover, as institutionalised groups with a highly professional staff and, in some cases, high levels of funding from national or international sources, large NGOs do not rely on membership fees and rarely on individual donations, these organisations might also present a highly bureaucratised structure.

Even though the term NGO generally implies independence from government, many NGOs depend on the public sector as a source of funding in a diverse range of proportions. Other sources of funding are individual or company donations, membership fees, International Governmental Organisations, other NGOs, as well as revenues from the goods and services provided to third parties. Most organisations combine different sources of funding. In general, one of those sources prevails over others.

It is important to note that grants and donations are not usually driven by open calls but mostly by donors choosing the NGOs they want to work with. This type of funding mechanism, even though not institutionalised or even recognised as such, stresses the importance of charismatic leadership within the organisations, interpersonal relationships, as well as the alignment between donors' strategies and NGOs' approach⁷².

⁷² These statements are based upon interviews for thesis as well as personal observation gathered during several years of interaction with civil society organisations in the field.

TABLE 2- Summary of the main characteristics of NGOs

Characteristics	
CONTENT	Topic <ul style="list-style-type: none"> • Single topic • Umbrella topic
	Main approach <ul style="list-style-type: none"> • Legal • Journalism • Policy
	Beneficiary: <ul style="list-style-type: none"> • Self • Others
	Activity: <ul style="list-style-type: none"> • Operational • Advocacy • Both
ENGAGEMENT	Co-operation: <ul style="list-style-type: none"> • Community-based • National • International
	Domestication: <ul style="list-style-type: none"> • Branches (umbrella with a single hierarchical structure) • Partners (occasional) • Partners/chapters (institutionalised network)
	Funding Source: <ul style="list-style-type: none"> • Individual • Companies • IGOs • Governments • Other NGOs
	Main Staff Composition: <ul style="list-style-type: none"> • Professional • Volunteer
STRUCTURE	

Taking all the variables and characteristics shown in Table 2 into account, even though this study focuses on a heterogeneous universe, NGOs

working on FOI as well as OGD share some common features (a summary of these shared characteristics is included in Table 2). In respect of both topics, the organisations selected for this project are working at the global or regional level. The beneficiaries of their services are not members of the organisation and they do not pay a fee to receive those services. In terms of funding, individual fees are not the main source of funding. Also, they present a highly educated professional staff, but in some cases, they rely on voluntary collaborators who are not part of the permanent staff.

In terms of the other variables, these organisations present some diversity. Their main differences reside on the content, whether a single or umbrella topic, as well as different approaches to the topic and the mechanisms for domestication/diffusion. In that sense, these organisations can work with local chapters or occasional partners, they can also be members of a network and/or they can be a network in themselves.

Lastly, there are other relevant features that shape the way in which different organisations perform. The presence of a charismatic leadership is an important characteristic for any advocacy organisations. Moreover, in fields such as FOI and OGD, the main actors are a small group of charismatic people whose names become as or more relevant than established organisations. Related to the importance of the presence of some particular characters together with low levels of internal transparency, in some cases is the low level of democratisation inside

these organisations.

TABLE 3- Characteristics of the object of study (international/transnational advocacy organisations)

Characteristics	
CONTENT	Topic
	<ul style="list-style-type: none"> • Umbrella topic
	Main approach
	<ul style="list-style-type: none"> • Legal • Journalism • Policy
	Beneficiary:
	<ul style="list-style-type: none"> • Others
	Activity:
ENGAGEMENT	<ul style="list-style-type: none"> • Advocacy • Advocacy and operational
	Co-operation:
	<ul style="list-style-type: none"> • International
STRUCTURE	Domestication:
	<ul style="list-style-type: none"> • Branches (umbrella with a single hierarchical structure) • Partners (occasional) • Partners/chapters (institutionalised network)
	Funding Source:
	<ul style="list-style-type: none"> • Individual • Companies • IGOs • Governments. • Other NGOs
	Main Staff Composition:
	<ul style="list-style-type: none"> • Professional

As this particular study focuses on the role of transnational actors, in the following section, the structure and main characteristics of international NGOs is explored.

4. INTERNATIONAL NGOS, NETWORKS AND INDIVIDUAL ADVOCATES

As well as domestic organisations, transnational NGOs can present different characteristics in terms of how they approach the topic they are working on, their main activity and sources of funding, among other features. Taking the aforementioned variables into account, the main distinctive characteristic of transnational organisations resides in their power of engagement. For example, some non-profit organisations operate from one country and engage in exporting their services across national boundaries, others have simultaneous operations, multiple domestic member organisations operating within an inclusive structure across national borders.

There are several structural arrangements for transnational/international organisations between the local units and the central organisation or headquarters. That engagement may be shaped as an international alliance or in the form of an umbrella organisation for a network of multiple, highly autonomous organisations (Hudson and Bielefeld 1997).

Even though some authors (Hudson and Bielefeld 1997) note that multinational non-profit organisations are not likely to operate under a single, unitary hierarchical, corporate structure simultaneously in multiple nations, there are examples that contradict this idea. Examples in the transparency field show that some multinational organisations present a configuration where multiple autonomous domestic organisations operate within an inclusive structure across national borders (e.g. TI), or are shaped as a single hierarchical structure with several branches in many countries (e.g. Article 19), as shown in Chapter 4 Section 6.

4.1 Networks

Institutionalised transnational organisations are important in the global diffusion of FOI/OGD rights and policies however, advocacy networks are playing an increasingly critical role in this area. Global advocacy movements, are also made up of domestic organisations as well as individual civil society advocates and sometimes, public officials. All those actors, in many cases, come together as members of a network or several overlapping networks with sub-thematic or different geographical scopes.

Advocacy networks⁷³ have become a vital component in the relationship between international and domestic non-governmental organisations as well as individual advocates. Technological developments, affecting communications and transport, helped both formal and informal

⁷³ In all the cases, the idea of network is linked to its external form (linkages between groups and individuals which do not belong to a same organisation)

international networks,⁷⁴ to become a key player in transferring ideas between different polities. These networks are important vehicles for policy spread, not only cross-nationally but also in emergent venues of global governance (Stone 2004). As in many other areas, the role of ICT and globalisation processes have played a significant role in the association of independent organisations (domestic with some international interest), at least in terms of learning that they can work together as they share common visions and missions.

As well as the organisations, which constitute them, these networks present different features and structures in the academic and practitioner literature, as well as in practice. Stubbs' study on the spread of Freedom of Information legislation (Stubbs 2012), as well as others focused on the role of networks in policy transfer (Keck and Sikkink 1999, Stone 2004), approaches the idea of networks as a voluntary structure providing horizontal linkages and exchange among organisations and other individual advocates pursuing a shared purpose (Stubbs 2012 pp. 210-212). Even though these members present a shared goal, they approach the topic from different perspectives and different locations. This is the most common understanding of transnational networks. In a different vein, other studies (Holmén 2002) approach the idea of networking as an informal activity more than a structure. This activity tends to take place between individuals within different organisations. In both cases, networks and organisations are approached as different entities. In all these studies,

⁷⁴ Policy network models suggest that informal pressure group activities are more important than constitutional or institutional approaches accept (Korten 1987).

there is an assumption that there is a lack of hierarchical order. Even though, the horizontality of these structures is a popular feature, it is not always the case in every network e.g. SATIAR is a clear example as CHRI is the host of the network; in other cases the differences are more subtle however the organisations and names in the activities and events tend to be repeated.

As noted, there is another structure, which also shares some of the key qualities associated with a transnational advocacy network and it presents some distinctive features. These structures often play a slightly less prominent role in the literature but in practice they exercise a vast influence in the field of accessing government information and data, particularly. In these areas of advocacy, the lines between networking activities, networks, and international NGOs are not so clear. Thus, some of the most prominent INGOs, also known as ‘umbrella organisations’ Willetts (2002), working on the access to government data and information are organised as networks, which are composed by local organisations responding voluntarily in some way to the principles the main organisation and the network administrator are establishing. They are, at the same time, an INGO and a hierarchical network. Post-bureaucratic organisation forms, in particular, add complexity to the analysis of these already complex structures.

4.2 individual advocates

Despite this lack of attention that civil society actors have attracted in

terms of scholarly research on FOI and OGD, there is some work available on the topic of privacy, which is related to information asymmetries between governments and citizens. In this area, Bennett (2008) has done an extensive and detailed study on privacy advocates. Bennett describes a network of self-identified, privacy advocates both organisations and individuals who have emerged within civil society, without official sanction and with few resources, but who are surprisingly influential (Bennett 2008)⁷⁵.

The processes and type of actors described by Bennett (2008) are not exclusive to the privacy field. Similar processes have occurred in the FOI field and to less extent in the OGD area, in terms of the role of civil society groups and individual consultants working on the diffusion of those principles at a global level. Therefore, it is important to not only focus on NGOs as institutionalised transnational advocacy groups but also the individual consultants and members of some groups whose particular characteristics, including the importance of charismatic leadership, make them as, or even more, important than the organisations⁷⁶. The fragmented and overlapping nature of the FOI and OGD fields, requires analysis of individual advocacy actors to complement and therefore better understand the whole advocacy ecosystem. The formality of the analysis of institutionalised advocacy organisations allows only for a partial understanding of that space.

⁷⁵ In spite of the attraction that privacy and surveillance fields (in particular with the latest developments in ICT) received from scholars lately, Bennett's detailed study on advocacy actors remains a reference in the field (Bennett 2008).

⁷⁶ These statements are based upon interviews for thesis as well as personal observation gathered during several years of interaction with civil society organisations in the field.

Bennett (2008) identifies several profiles linked to different advocacy types and also particular actors in the field. Some of those are the activist, the researcher, the consultant, the technologist, the journalist, and the artist (Bennett 2008 pp. 68-90). These profiles, which can be applied to some extent to the FOI and OGD fields, present some correlation with the approaches that NGOs provide to their content (as shown in Table 3) but also provides additional information about the setting in which these individual perform their advocacy tasks. So, in understanding the dominant advocacy procedures it is not only important to understand the role of international organisations but also the complex workings of the networks, as well as the role of individuals to have a more complete picture.

In some cases, policy entrepreneurship theory also helps to explain the role of these individuals who identify opportunities for achieving social and political objectives and assemble and invest resources to achieve these objectives (Klein, Mahoney et al. 2010). This approach helps to better understand these individuals working in the Open Government Data field more than in the FOI area, as innovation seems to play a more central role for them, as analysed in Chapter 5 (Sections 3.1 and 5). Innovation is one of the key outcomes sought after by OGD initiatives. It is also relevant to point out that the collaboration between civil society and public officials in OGD initiatives creates, as explored in Chapter 5 (Section 6), greater channels for OGD initiatives to reach the public sector arena, as OGD is an area where collaboration, described in the analysis of the concept of

openness, plays an intrinsic role.

5. CHANGING ENVIRONMENT

The research in this study on international NGOs focuses on the genesis of transnational/international organisations, or in the relationships these groups have with States. Thus, when examining the role of a diverse group of civil society organisations, in an increasingly interconnected world, the relationship between networks and the member-organisations, as well as their particular features, is rarely explored.

For this thesis, to understand the changes affecting advocates in a complex and constantly changing environment is crucially important as these actors focus on information, government information, in particular. This is crucial for this research because, in the past few decades, many renowned scholars, such as Castells (1996) and Beck (1992) have argued that a passage from industrial society to informational society has reached a global scale. This informational society emphasises the creation, distribution, and manipulation of information as the most significant economic and cultural activity. Thus, more than ever, information has become a commodity, a source of power.

ICT developments have affected the way in which people interact with information, in all realms of life. As noted in a press release of European

Commission, 'Progress in information technologies and communication is changing the way we live. The information society is not only affecting the way people interact but it is also requiring the traditional organisational structures to be more flexible, more participatory and more decentralised' (Chair's conclusions from the G-7 Ministerial Conference on the Information Society, February 1995). This is particularly important when analysing the role of these actors in the access and use of government information and data.

Several scholars, from the most renowned (McLuhan 1962, Martin 1978, McLuhan and Powers 1989, Kumar 1995, Castells 1996) to some more recent studies (Lessing 2002, Feenberg and Barney 2004, Lahlou 2008), have portrayed their vision of a globalised and interconnected society under different labels as they highlight particular aspects of the same phenomena such as a network society, a global society, and an information society. All of these approaches share a common interest for a society where communications and joint actions, especially in the context of social advocates, became the norm. This type of global setting gives INGOs and international networks a new relevance.

All too often theories, for example the Information Society, Network Society and Global Society are seen as universally valid. However, the assumptions that these theories present are not necessarily valid for all layers of society and all societies outside the western world. In relation to the FOI field, Darch and Underwood (2010) challenge the assumptions on

the universal application of freedom of information rights. In this sense, they state that these laws are usually understood as progress toward a goal, which is often a variety of individualistic liberal democracy (McClean 2011).

Going back to the Network Society (Castells 1996) theory builds upon the foundations of the Information society and focuses on networks and their organisational forms. It is a society where the key social structures and activities are organised around electronically processed information networks. So the changes in this new way of interaction are not focused just on the relevance of networks or social networks because social networks have been very old forms of social organisation but on how they process and manage information and are using micro-electronic based technologies.

Thus, even though some work has been done on improving the connectivity between different actors working in different countries and regions of the world, it is still impossible to talk about a unified and universal society. In that sense, even though these characteristics mentioned by Castells (1996) and others are present in the current society, INGOs and international networks are still predominantly coming from and based in northern developed countries even though there are key players in the Global South.

All these arguments emphasise ICT developments and their transformative powers. ICT developments have transformed the way many people interact with each other and with their surroundings. However, as those theories of a global interconnected society are not universally valid, neither are the powers of ICT.

While these theories apply to a portion of the world, the key sector for this study, it is important to clarify that they do not necessarily apply to everybody and everywhere. The same can be said of the work that INGOs and international networks perform. The arguments and actions are valid for a portion of the global population but, by no means, do they apply to all societies, topics, and places. Thus, the idea of a global society where networks play a vital role and where information is a crucial commodity and source of power is relevant for the subject of this study and for a large portion of advocates to access government information all around the world.

One of the main criticisms of these global theories is their lack of awareness in terms of digital divide and technology capabilities. Thus, traditionally the digital divide has been correlated with people's difficulties in accessing and using⁷⁷ an Internet connection. Those difficulties could be related to only having access to old computers, the high price for connection, among other factors. Some analysts argue that some of these

⁷⁷ However, it is important to clarify that access and use are not necessarily synonymous. Some studies have shown that: 'more people have access than use it ... and, second, that whereas resources drive access, demand drives intensity of use among people who have access' (DiMaggio and Hargittai 2001 p.4)

open data initiatives might create a new divide among the population. Together with the digital divide, the cost implications of the rapid development in ICT tools seem to add new barriers to entry.

Current discourses on ICT tools for transparency and accountability suggest implicitly or sometimes explicitly that these new tools would allow everybody to make use of the data and information provided as well as to act upon that data (Robinson, Yu, et al. 2009, O'Reilly 2011). However, in addition to access and cost barriers, Gurstein (2011) also points to barriers in the form of the educational resources/skills necessary for the effective use of those resources:

...the lack of these foundational requirements means that the exciting new outcomes available from open data are available only to those who are already reasonably well provided for technologically and with other resources. (Gurstein 2011)

For the community of potential users to be able to interact with the information, they need the necessary skills to use digital technology and manage and assess information regarding public interest issues. That is, it is important to factor in an ICT literate community. The increasing importance and the role of non-governmental and civil society organisations is stressed extensively in the current debates on how to overcome this divide. Acting as intermediaries between the information and the final users is essential if they want to achieve their desired outcomes.

In an increasingly interconnected world, a new set of needs is arising in order to overcome new obstacles. In this context, international organisations together with networks and individuals need to adjust their structures as well as their skills and strategies to face these new challenges. Thus, definitions and models coming from an era where communications between actors in different settings were a challenge and where hierarchical structures were the rule need to be revised and analysed.

6. CONCLUSION

Multiple variables play a role when trying to define and delimit international civil society actors. Even defining the concept of civil society presents difficulties. This is even more relevant in a rapidly changing work environment.

Historically, civil society organisations were associated with local needs and associativism. That is no longer the rule, especially if one examines the work and structure of professionalised international organisations. Even more, organisations are currently perceived, in some cases, as brands attracting other individuals and independent organisations. They have become, in some cases, a seal of approval and quality as well as an opportunity to be paired with international partners and welcomed in many developing countries.

In that context, this chapter has explored different approaches and variables regarding these actors to better understand their role in the analysis of FOI and OGD advocacy groups. This chapter does not look for ultimate definitions; instead, it attempts to understand some of the difficulties in analysing these actors and to set some parameters to apply in the analyses in the following chapters.

Even though this study focuses on a heterogeneous universe, the organisations working on access and use of government information do share some common features. These organisations, as many modern professional civil society groups, do not focus their work on their own members and they do not rely on individual fees. At the same time, there is plenty of divergence in terms of their content, approach as well as their strategies of engagement.

As this is a very diverse and heterogeneous universe, this study does not pretend to have universal implications. It only applies to some international actors, mainly institutionalised organisations working non-for profit with their main focus of advocating for a greater access and use to government information and data.

In the following chapter the characteristics and differences among these actors will be applied to the particular fields of FOI and OGD to better

understand how they operate and how they influence the adoption of FOI legislation and OGD policies.

CHAPTER 4- FOI CIVIL SOCIETY ACTORS WORKING ON THE INTERNATIONAL SCENE

1- INTRODUCTION

This chapter first identifies the main international actors working in different phases of the diffusion of FOI legislation and principles. Second, it describes the main structural features and characteristics of these international organisations and how they influence or interact in the international realm. Third, their participation in the policy agenda in numerous countries around the world is analysed to provide the bases to compare and contrast, in the following chapter, the role played by INGOs in the diffusion and advocacy of OGD.

An historic moment for civil society groups working in FOI diffusion process was demarked by the passage of the FOI law in Paraguay. It was celebrated by the global freedom of Information movement as the 100th national FOI law. Blog posts, tweets and other celebratory messages can be found all around the Web⁷⁸. This is an important milestone for the FOI community, in particular, as only 20 years ago less than 20 countries⁷⁹ had legislated the access to government information worldwide (Stubbs 2012).

⁷⁸ Some examples:

-Centre for Law and Democracy (2014, September 29)

- Mendel (2014 September 27).

⁷⁹ There are still discrepancies about which regulations are included in each ranking/list. Many specialists and practitioners do not consider the first versions of regulations in Colombia (1888) and Spain (1992) as proper FOI legislation, among others.

This increase in the number and variety of countries, starting from a limited and exclusive collection of liberal western democracies, has been influenced and promoted by a diversity of advocates, who have presented different characteristics. These actors, individuals and groups, domestic as well as international, have been decisive players in the dissemination process of FOI. However, they have not attracted, until recently, much attention from scholars. Furthermore, when they are mentioned in the literature they are portrayed as a uniform and static set of actors. However, a closer examination not only reveals the diversity of organisations but often divergent advocacy strategies both between and within themselves.

The FOI civil society advocacy field has moved from being dominated by small domestic groups and individuals in the 1980s, to the current comparatively large organisations with connections worldwide. From the mid 1980s FOI has increased its importance as a field of study as well as an advocacy cause.

Many types of civil society actors have gained importance during these years from domestic, regional and international groups to NGOs networks as well as virtual knowledge-sharing spaces. However, not all them have had the capacity and resources to influence policy, to connect with domestic actors as well as to set international standards in the field. International civil society organisations have played a key role in connecting these different actors within the FOI ecosystem and setting

international standards.

Despite their particular features all these international civil society organisations present many similarities and convergences that make a classification grouping feasible. These international groups frame their work as efforts towards greater access to information for governmental transparency purposes and ultimately accountability, if the institutional mechanisms allow for it. Most civil society actors in the field share a strong legalistic background, which influences their main activities as well as having organisational implications. A clear example of the emphasis on legal traditions and aspects relates to the idea of FOI as a right, which is an important milestone for the movement and an important advocacy tool, since mid 1990s (Foerstel 1999, Mendel 2000, Mathiesen 2008, Bishop 2009). These similarities as well as the divergences between these FOI international civil society groups are explored in the following sections of this chapter.

2- BACKGROUND

In spite of an increasing recognition of domestic and international NGOs in policy diffusion, they have not, until recently, attracted the interest of academia. As previously discussed in Chapter 2 (Section 2.1.1), authors such as Darch and Underwood (2010), Stubbs (2012), Berliner (2012) have begun to include in their research the importance of civil society organisations in the FOI diffusion process. Berliner (2012) briefly identifies

some preliminary differences between domestic and international organisations, however, the lack of any in depth analysis regarding the differences among these organisations raises some critical questions.

Civil society organisations, in particular in the FOI area, are portrayed by most academics and practitioners as having similar characteristics, as well as consistent behaviours and roles, throughout the different phases of the field's history. However, unlike their portrayal in the literature, these groups are dynamic entities, as they have been transformed. Their transformation has been influenced by the changes in the wider information environment both within countries and internationally⁸⁰ over time.

As FOI principles have been promoted for several decades, this movement, unlike the more recently founded OGD groups, has experienced several important transitions during its history. While there is a long history of international FOI advocacy, which includes the US State Department's efforts after the end of World War 2 as explored by Lample (2003), major activity has occurred over the last three decades. This is a short period in comparison with other movements (e.g. environmentalism has been a popular advocacy cause for almost half a century, some feminist associations and some organisations focused on human rights, such as Amnesty International, have been operating since the early 1960s).

⁸⁰ For example, Xiao has examined this concept of changing information environments in relation to access to government information in China. (Xiao 2011)

Three clear stages can be identified in the main FOI advocacy history, before the mass use of, and reliance on ICT, as explored with more detail in Chapter 6 (Section 2.1), and consequently the arrival of the OGD agenda. In the next subsections an overview and analysis of these stages, together with the current stage and the position of these main international actors in each of them are discussed.

2.1 First Stage (1965-1985)

From the 1960s to the collapse of communism, only a small group of countries, from the Global North⁸¹ passed legislation to regulate the access to government information. This first stage in the FOI advocacy history is characterised by rare legislative activity and rarer outcomes, and generally dominated by domestic circumstances and considerations rather than global influences (Darch and Underwood 2010). However, some scholars, such as Lamble (2003), have explored a wider US foreign policy effort to generate FOI adoption in a number of countries.

This stage in FOI is demarked by the key role of individual actors mostly in their own countries. Despite some embryonic connections between specialists, mostly academics, this stage is characterised by individual relationships and slow communications in a paper-based era.

⁸¹ It refers to the countries with a Human Development Index above .8 as reported in the United Nations Development Programme Report. Most, but not all, of these countries are located in the Northern Hemisphere.

Whilst a stronger international pressure became more evident in the second and third stage of the recent history of FOI legislation worldwide, when new actors, such as intergovernmental institutions and international civil society groups involved in these policy transfer mechanisms, some international pressure started to be exercised by US government, according to Lamble (2003). This pressure, exerted by the State Department in a first stage, contributed to the promotion of FOI legislation after World War 2. In spite of the fact that the US domestic legislation first enacted in 1966, Lamble cites a Department of State's document from 1948 'Freedom of Information in American Policy and Practice' (Lamble 2003 p.39). Thus, the first Australian draft bill in the early 1970s was clearly, as documented by Snell (2000) and Lamble (2003), influenced by the US FOI Act. The bill was not passed at that time and it was almost 10 years for an FOI Act to be enacted.

Nevertheless the US foreign policy efforts seem to have had a marginal impact in contrast to greater domestic advocacy. The motivations behind these domestic actors can be seen as a reaction to secrecy laws operating in those countries, many from the Commonwealth⁸², as well as scandals related to corruption or lack of efficiency within the public sector⁸³, together with the possible influence of US foreign policy. Some examples from that period are the FOI Act in US (1966), Canadian FOI legislation (1983), as

⁸² As previously mentioned one of the first modern FOI laws was enacted in the US in 1966 and 20 years later, many commonwealth countries joined the trend (NZ, Australia, Canada, among others). Some examples of literature on the topic are Snell (2001b), and Fraser (2001) in Australia as well as Eagles et al. (1992) in New Zealand.

⁸³ New Public Management reforms gained polarity during the early 80s in Commonwealth countries such as New Zealand and Australia

well as the Australian and New Zealand laws both from 1982-1983. In none of these countries were the external influences seen as a determinant or important factor, despite the fact that, in some cases, they looked at other experiences, in particular the US, as mentioned by Lamble (2003).

In this early stage of the passage of FOI legislation in a small set of countries⁸⁴, the main advocates came from within the public sector, as a result of broader public sector reforms. These reforms presented a change on how much secrecy a government should have regarding the information it controls. Even though there are some common points in the processes, not all the reactions are alike. This new approach to government secrecy and to the disclosure of official information was, in some cases, well-received and promoted by public sector leaders, as in the case of New Zealand, and, in some other cases, it faced a high degree of resistance, as in the cases of Canada and Australia.

The other set of important actors in FOI advocacy during the period were individuals acting on their own or as members of small domestic civil society groups or from academia. In Australia, John McMillan and the Rupert Public Interest Movement had an important influence (Snell 2000). In the UK, Frankel and the Campaign for Freedom of Information were central players for decades from 1984 to the present (Snell 2000, Puddephatt 2009). In Canada and Ireland, the key contributions towards

⁸⁴ Denmark (1970), Norway (1970), France (1978), the Netherlands (1980), Australia (1982), New Zealand (1983), Canada (1983) and Austria (1987). (Stubbs 2012)

FOI appear to be parliamentary centric. In both cases, the origins are traced back to private member's bills. In the case of Ireland, the first precedent is the bill introduced by Senator Brendan Ryan in 1985⁸⁵ (McDonagh 1998 pp. 27-28) while in Canada, MP Barry Mather introduced the first bill by as a private member's bill back in 1965 (Access to Information Review Task Force 2002 p.221). Large domestic NGOs as well as international groups are absent from these early processes.

2.2 Second Stage

From the mid 1980s until mid 1990s, another small group of countries passed FOI legislation. Within this small number, less than 10⁸⁶, countries enacting FOI legislation are some examples that show the beginning of the diffusion process to other countries outside the first group of stable western liberal democracies. Some of these examples are the enactment of FOI legislation in two Eastern European countries, Hungary and Ukraine, in 1992⁸⁷ (Stubbs 2012 p.59).

⁸⁵ However, it was only after the discontent, partially inaugurated with the work of the Beef Tribunal (1991) that the topic was more generally acknowledged (McDonagh 1998 p.27).

⁸⁶ Italy (1990), Spain (1992), Hungary and Ukraine (1992), Portugal (1993) Belgium (1994), and Belize in 1994 (Stubbs 2012 p.19).

⁸⁷ Even though some scholars, such as Stubbs (2012) include the passage of FOI legislation in Belize as a first step (The case of Colombia (as well as Spain, 1992, in a sense) as a modern FOI legislation is highly disputed within the FOI community) in the adoption of FOI principles in South America. This claim may need to be qualified. First, it is necessary to clarified that Belize cannot be included in that group as it is located in Central America. Secondly, Belize, as a small, English-speaking member of the British Commonwealth is usually quarantined from discussions about trends and influences upon law reform in Latin America. Belize is a country in Central America but generally not included, even tough debatable, as a country of Latin America, because of language and tradition. Moreover, it is also not included in the main reports on FOI in Latin American countries. See, for example Mendel (2009).

The introduction of FOI ideals into Latin American legislation would take place in a later period and with significant influence from the international community.

As FOI slowly starts to gain momentum, after the first countries implemented modern FOI legislation, some of the current main international advocacy organisations were created. Article 19 and CHRI are founded in 1987, and Transparency International in 1993. At that time they devote small amounts of material and human resources, to FOI. This small scale increases over this period, and starts to have an international focus in contrast to the domestic focus of the first stage of FOI.

The US efforts to expand FOI legislation worldwide, together with a growing support of intergovernmental organisation, creates the appropriate environment for the proliferation of organisations working on protection of human rights, in particular, in developing countries or the Global South. This trend expands in the late 1990s and early 2000s.

Article 19 can be framed as an example of the US influence, not just of government agencies but civil society organisations, on setting the policy trends in terms of human rights, censorship and free press. This London-based organisation, created by an American philanthropist, initially focused largely on combating press censorship. As its name makes clear, the reference to the freedom of expression, frames its major purpose: to protect, and/or help to establish the foundations of liberal democratic values in developing countries. As Frances D'Souza (second Article 19 Executive Director) notes in an interview in 1992:

The only way people are going to be able to develop is by doing it themselves. And if they don't have democracy, they can't begin to develop and if you don't have freedom from censorship, you can't have democracy (Fein 1992)

CHRI, a Commonwealth focused organisation, had a different origin to the philanthropic creation of Article 19, however, it follows with the US trend, in most Commonwealth countries, of taking a human right's approach to their discourses in foreign development policies. A London based group, it later moves to India and define themselves as a global south-based NGO. This organisation was created to work on the confrontations between Commonwealths nations in terms of racism, e.g., the soft reaction of UK to the apartheid regime (Commonwealth Human Rights Initiative 2016, February 16) and other issues related to the respect to human rights in those countries. A few years later, in 1993, a former World Bank (WB) regional director, among other founding members, creates Transparency International in Berlin⁸⁸.

These organisations are part of the impulse that the dissemination of the ideals associated to liberal democracies gained, after the fall of the Berlin Wall, in particular in regard to the expansion of civil society organisations and the topic of access to government-held information. Numerous actors, domestic as well as a few newly created international organisations start to focus on different campaigns to promote the passage of FOI laws. One

⁸⁸ For more details on the history of TI: <https://www.transparency.org/whoweare/history>

of the earliest examples of a specific FOI focus is CHRI, when in 1991, together with its move to India, this NGO decides to split its activities into four main categories, with the right to information as one of them as the Right to Information 'is the first step towards combatting corruption and demanding accountability for violation of human rights'⁸⁹ Their activities focus on a variety of activities related to the respect of human rights within the Commonwealth of Nations, while the right to information programs particularly focus on India, other South Asian countries, and some African nations.

During this period, other organisations such as Article 19 and Transparency International are campaigning for greater access to information as part of a broader agenda. Article 19's main focus is campaigning against censorship and protecting press freedom. As their website indicates, during the first few years, they emphasised campaigns to protect journalists and press freedom e.g. campaigns behalf of a South African editor and also Israel's Regulation of the Palestinian Press⁹⁰. The first document in their online library, regarding FOI, dates from 1999, during the third stage of this FOI history. It was prepared more than a decade after the creation of the organisation (Article 19 1999). Despite FOI being a minor topic in the first few years of this organisation, Article 19 provided some of the most influential FOI advocacy articles and events, e.g. Principles on Freedom of Information Legislation in 1999 and the Expert Group Meeting in March 1999, as explored in Section 2.3.1.

⁸⁹ According to CHRI Access to Information Programme website:
<http://www.humanrightsinitiative.org/content/access-to-information>

⁹⁰ More information: <https://www.article19.org/pages/en/history-achievements.html>

The increasing focus of Article 19 on FOI parallels the recognition of The UN Special Rapporteur on Freedom of Opinion and Expression as they started to cover freedom of information since mid 1990s.

TI has been clearly focused on the fight against corruption since its creation. They developed the Corruption Perception Index in 1995⁹¹. In this case, the role of TI in the advocacy of FOI is not as clear as Article 19. TI was, and still is, focused on the fight against corruption through clear contracting procedures, e.g. Integrity Pact⁹² in 1994, and also attempted to understand the status of the perception of corruption worldwide, e.g. with the Anticorruption Perception Index in 1995. FOI has always been a tool to achieve their main goal of curbing corruption. However, TI's global reach, for example through workshops such as those conducted in, e.g., Latvia in 1999, Germany 1998, and Lebanon in 2002⁹³, makes them a key player in the FOI advocacy field.

By the end of this period, International organisations start to have a prominent influence on the activities of domestic groups in a variety of countries, e.g., TI currently consists of over 100 independent national chapters as well as a EU liaison office in Brussels, Belgium, in addition to the secretariat in Berlin. In some cases, they act as intermediaries between financial donors and the domestic groups and individuals, in

⁹¹ More information: http://www.transparency.org/research/cpi/cpi_early/0/

⁹² http://transparency.hu/uploads/docs/integrity_pact.pdf

⁹³ More information on some of the projects on TI access to information projects' database: <http://archive.transparency.org/content/download/589/3553>

others as trainers⁹⁴ and message carriers of the lessons learned in other districts. Some of them play a key role in the documentation of the processes in several countries and regions, e.g., Article 19 since 1988 has collected information on several aspects related to freedom of expression worldwide, including freedom of information⁹⁵. These organisations envisaged these roles mostly at the end of the 1990s to early 2000s. Article 19's Public's Right to Know report (Article 19 1999) is a clear example of this focus on FOI and also on the legal, rights-based, aspect of the access to government-held information. This focus is a clear example of the impact of commentators and participants such as, Frances D'Souza, who stated, in 1992, that '(...) the most efficient and reliable method for improving human rights is 'by identifying individuals and groups in countries and bringing them to the attention of the international community, who can feed back information to those groups that they can use themselves to cultivate democratic opposition' (Fein 1992).

These emerging international organisations are characterised by different approaches and strategies to implementing FOI. Some of them focus on the access to government-held information as an intrinsic part of the freedom of expression (Article 19), others see FOI as a key instrument to curb corruption (Transparency International), and others emphasise the need to access to information to enhance democratic values (Centre for Law and Democracy) or as part of their work on the realisation of human rights (Carter Center and CHRI).

⁹⁴ Article 19- Global Campaign for Free Expression (2004).

⁹⁵ Article 19- Global Campaign for Free Expression (1988)

All these intermediate stage FOI organisations, however, follow the western liberal tradition of international human rights organisations, even though they do not necessarily frame their work under that label. This second stage demarks the beginning of a transformative period in the global advocacy movement. During this period, civil society groups, which later become global advocacy actors, are created. More importantly, in this decade, the seeds of FOI advocacy work are planted. During the following stage, this initially minor topic gains relevance within these civil society organisations.

2.3 Third Stage

From the mid-1990s to mid-2000s, for FOI in particular, the idea of transparency and the disclosure of government information as a means to achieve good governance becomes a more popular topic of discussion and starts to be debated in countries outside the developed liberal western democracies, (India⁹⁶, Jamaica⁹⁷ and Mexico⁹⁸). The contribution of the international community, IGOs and INGOs to this diffusion process around the world is central and decisive. In spite of the US government's double standard, the demand for transparency to foreign countries and strengthened secrecy within the US frontiers, as a product of the 2001 terrorist attack (Lamble 2003, Darch and Underwood 2009), many US

⁹⁶ Copy of the Indian Law: <http://www.righttoinformation.gov.in/webactrti.htm>

⁹⁷ Copy of the Jamaican Law:

<http://www.moj.gov.jm/sites/default/files/laws/The%20Access%20to%20Information%20Act.pdf>

⁹⁸ Copy of the original law (from 2002):

http://www.diputados.gob.mx/LeyesBiblio/ref/lftaipg/LFTAIPG_orig_11jun02.pdf

agencies as well as intergovernmental organisations also play their part in the diffusion of these ideas. (Fjeldstad and Isaksen 2008) This is known by some academics as the Golden Period for FOI advocates (Darch and Underwood 2009).

The key role of INGOs becomes evident when looking at the participants in the passage of legislation in countries such as Bulgaria, Mexico, India and South Africa. In all of those cases, as in many others, international organisations such as Article 19 in the case of Bulgaria, Mexico and South Africa, and CHRI in the case of India play a key role in supporting domestic groups in their advocacy work (Puddephatt 2009). Adding to that role, some intergovernmental organisations as well as some international civil society groups draft guidelines or model legislation to promote freedom of information legislation in different regions (Articles 19's 'Public Right to Know'⁹⁹, Organisation of the American States' FOI model law¹⁰⁰) The difference lies in the role played by intergovernmental organisations is the pressure they can exert over some countries to adopt access to information laws as a requirement to receive financial aid and loans (Lamble 2003, Fjeldstad and Isaksen 2008). Civil society does not exert that kind of influence. Thus, during the last few years of the previous stage, and the beginning of this third stage, the role of IGOs, as supporters of the good governance agenda (Stubbs 2012, p. 210) and FOI related activities, developed by INGOs, progressively grow, e.g. WB, UN, and OAS. They financially support, from the mid 2000s onwards, all sorts

⁹⁹ Article 19 (1999)

¹⁰⁰ More information: http://www.oas.org/en/sla/dil/access_to_information_model_law.asp

of advocacy activities, e.g. from working papers¹⁰¹, to workshops, to the creation of civil society networks. This relationship between IGOs and INGOs during this stage was incipient but it progressively increases during the next stage and it allows for the increase in the number of activities, to promote the visibility of the FOI agenda as well as the number of FOI legal and regulatory regimes worldwide.

International NGOs have played a significant role in several ways. There are many aspects to their work and, in many cases they work closely with domestic allies. For example, in Mexico, Transparency International has its independent chapter, Transparencia Mexicana¹⁰², and Article 19 has its own branch¹⁰³. International civil society groups can act as intermediaries, trainers¹⁰⁴, mobilise pressure to enact FOI legislation and contribute to the drafting¹⁰⁵ of the legislation. They provide technical expertise in the implementation phase while making alliances with the champions inside the public bureaucracy¹⁰⁶. They provide support and expertise to domestic groups to monitor the implementation and enforcement of the legislation. At the international level, they promote the application of lessons learned in one country to the specific situation of another (Neuman 2004, Puddephatt 2009). They have also acted as rapporteurs to the processes

¹⁰¹ Puddephatt (2009)

Neuman (2009)

Darbishire (2010)

¹⁰² Website: <http://www.tm.org.mx/>

¹⁰³ Article 19 Mexican Office: <https://www.article19.org/pages/en/central-america.html>

¹⁰⁴ Article 19 (2004)

¹⁰⁵ Article 19 (2007)

¹⁰⁶ Commonwealth Human Rights Initiative (2015)

in several countries and regions, by documenting the lobbying, drafting and enactment of FOI legislation¹⁰⁷.

All other relevant stakeholders in the FOI ecosystem have recognised International NGOs as key actors in terms of the diffusion of FOI¹⁰⁸. However, that role started to be developed only after FOI principles begin to move from Lockean to Hobbesian States (Stubbs 2012, pp. 210-217). Before that diffusion into Hobbesian States, the role of NGOs is prominently domestic, as is the case of the Campaign for Freedom of Information in the UK, and generally focused on the passage of the law but not on the diffusion of those principles worldwide. Thus, the importance of international NGOs as diffusion agents starts to become evident with the internationalisation process, at this later stage, and not so much in the first stages of enactment of FOI legislation within Lockean States.

The increase in number of actors, activities, and enactment of legislation around the world, during the 1990s, did not occur just by chance. In most cases, this diffusion of the principles behind western liberal democracies has been portrayed as post-ideological universal human rights campaigns by authors like Darch and Underwood (2010). These authors frame this

¹⁰⁷ Article 19- Global Campaign for Free Expression (2015)

¹⁰⁸ The acknowledgement of this role is clearly visible when looking at the partners of IGOs and the types of activities they have supported throughout these past couple of decades. Some examples are included in the previous page of this thesis. Some other references to these INGOs by the IGOs, e.g. list of FOI resources in a World Bank webpage:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23348805~pagePK:148956~piPK:216618~theSitePK:286305,0.html>

FOI diffusion process as part of the efforts of a universalisation of Western liberal values (Darch and Underwood 2010 p.51). This path in the diffusion process becomes even more evident with the democratisation process of post-conflict countries, mainly in East-Europe as well as in some countries in Africa¹⁰⁹ and their struggles for human rights protection (Sebina 2006, Darch and Underwood 2010). As Mendel notes 'Pressure from other countries, and especially international actors, has also played an important role in the spread of RTI. This has played a particularly important role in Eastern and Central Europe, where strong pressure came from Western Europe in the form of the large carrot of joining the European Union. Pressure has also played a role in countries like Pakistan, Brazil and Tunisia, where international actors such as the Asian Development Bank, the Open Government Partnership (OGP) and the World Bank were involved in supporting the development and adoption of RTI legislation.' (Mendel 2014 p.6)

In association with the increase in INGO activity, as outlined above, the transformation of FOI into the right "to access government information, or at least the promotion of FOI as a human right became a powerful diffusion tool.

2.3.1. FOI as a Human Right

The third stage of the FOI history is highly influenced by the human rights discourse, which acts as a powerful advocacy tool. During the first stage,

¹⁰⁹ UNESCO (2008 October 14)

before the 1990s, freedom of information was seen predominantly as an administrative governance reform and not as a fundamental human right (Mendel 2003). This administrative approach to the access to government information starts to change in the second stage of FOI history and it is consolidated during the third stage. As Mendel recalls, during that process, the term FOI slightly changed and most advocates started to refer to the access to governmental information as a 'right to information' (Mendel 2003).

From the mid 1990s, the idea that freedom of information is recognised as a human right, even though not explicitly stated in Article 19 of the Human Rights Convention¹¹⁰, increasingly starts to become the main advocacy point by most civil society groups, in particular international organisations like Article 19 and the Carter Center. The FOI as a human right is a key feature of the golden advocacy period of the FOI movement in the context of promotion of good governance principles (by INGOs as well as IGOS). These international organisations, as Mutua points out, have been 'the human rights movement's prime engine of growth' (Mutua 2001 p.151).

The internationalisation of FOI principles and legislation comes hand in hand not only with the increase of the number of actors in the field but also the advocacy process to recognise the access to government information as a human right. This recognition of the access to information as a human right is one of the milestones of FOI advocates as well as the

¹¹⁰ <http://www.un.org/en/universal-declaration-human-rights/>

foundation of many of their discourses and activities.¹¹¹

Abid Hussain, the then UN Special Rapporteur on Freedom of Opinion and Expression, elaborates on this topic in his 1995 Report to the UN Commission on Human Rights, stating, 'Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life. The tendency to withhold information from the people at large is therefore to be strongly checked' UN Doc. E/CN.4/1995/32, par. 35 in Mendel (2000 p.1).

A few years later, Article 19 helps to organise the Expert Group Meeting in March 1999 to discuss the importance of freedom of information legislation and to advocate for FOI as a human right (Article 19 1999). Later, Toby Mendel, the then Head of Law Programme at Article 19, writes a short piece to reassure the importance of FOI as a human right as well as to highlight the importance of that organisation in that recognition.

The importance of an effective right to freedom of information, both in itself and to democracy and respect for other human rights, is beyond question and has a solid basis in international and comparative human rights law (Mendel 2000 p.5)

From that moment, most of the FOI advocates rely on the idea of FOI as a fundamental human right as the basis of their advocacy work. In that work, donors and IGOs community along the whole diffusion process also

¹¹¹A similar advocacy strategy has been debated in the Open Government Data field, in particular by the Web Foundation (See chapter 6 for more information)

support these actors. This interaction between organisations and donors is a key element of this movement.

Mendel, at that time the head of Law Programme at ARTICLE 19 and currently the head of the Centre for Law and Democracy is one of the activists who work on the diffusion of the rights-based approach to the access to information. From speeches to publications¹¹² to the organisation of the Expert Group meeting the work all contributes to establishing a new approach. TI also approaches the access to information as a right, but mostly focuses on these laws as a tool to fight corruption worldwide¹¹³. The Carter Center, as well, provides a statement on their website matching access to information with a fundamental human right¹¹⁴. CHRI also includes on their website the idea that at the '...right to Information and its aspects find articulation as inalienable fundamental human right in most important basic human rights documents, namely, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights'.¹¹⁵

Contrary to the advocacy acceptance of FOI as a right, in the case *Leander v Sweden* (1987) the European Court of Human Rights commented: 'freedom to receive information basically prohibits a

¹¹² For example, Mendel (2000)

¹¹³ Examples in TI website: <http://action.transparency.org/>

¹¹⁴ Extracted from the Access to Information program, The Carter Center:
<http://www.cartercenter.org/peace/ati/index.html>

¹¹⁵ International Standards in CHRI Website:
http://www.humanrightsinitiative.org/programs/ai/rti/international/intl_standards.htm

government from restricting a person from receiving information that others wish or may be willing to impart to him. [Article 10] does not, in circumstances such as the present case, confer on the individual a right of access to [information], nor does it embody an obligation on [a] government to impart such information to the individual.' (EEHR 1987 para 74) This same approach was confirmed in other European cases such as *Gaskin v United Kingdom* (1989) and *Guerra v Italy* (1998).

As Shelton (2001) and Bishop (2009) establish, NGOs, in particular international ones, play a key role in all the stages of the diffusion of human rights at the international level. These organisations, in most cases with the collaboration of intergovernmental organisations are included and in most cases lead the processes, in the identification of a particular issue. They are not necessarily the first at this identification but they are generally the ones promoting it publicly as Mendel (2000) publication and events exemplify, promoting and defending it publicly. Later the adoption of nonbinding declarations, such as the Atlanta Declaration is promoted by the Carter Center, to put some pressure to negotiate binding agreements (Carter Center 2008). This is their role in the international sphere. The organisations included in this thesis have been part of those stages as well as the domestic processes, in alliances of domestic organisations or public officials.

In this context, there are still arguments in academic circles around the idea of the access to government information as a human right. Some

scholars, like Mathiesen (2008) and McDonagh (2013), provide arguments in its favour and some others still present some doubts about this characterisation, such as Darch and Underwood (2010). However, in the advocacy realm, international civil society organisations as well as some intergovernmental organisations such as the World Bank and United Nations argue that the identification of access to information as a human right is completely settled United Nations Human Rights Committee (2011).

The arguments of advocates for the right to information as a human right are based on the possibility that access to information is necessary to avoid an impoverished life as it allows for the exercise of other fundamental rights and thus having a minimally good life (Mathiesen 2008 p.1). All these arguments are based on the idea that to be able to exercise the right to freedom of expression, all humans need to access governmental information to present an informed opinion. In this rights-based context, it is not surprising that individuals and organisations working on the topic have a strong legal background. Their main goals are related to the passage of legislation to effectively exercise the right to access government-held information, one of the pillars of any modern liberal democracy.

The language of rights is central to liberalism and, thus, it has been qualified by some scholars, such as Mutua, as part of the 'Western push to transform non-European peoples' (Mutua 2008 p.33). Even though

Mutua's statements present a provocative rhetoric, FOI history provides testimony to his allegations of advancing with liberal democracy's style reforms. The pressure of the western world to disseminate and propagate the ideal of liberal western democracies is demonstrated in the actions of INGOs and IGOs in different regions in the world with some countries in Africa and Asia presenting some of the most evident examples. This diffusion process of western liberalism and the concept of human rights have attracted criticism, in particular in some non-western territories (Pollis and Schwab 1979, Panikkar and Panikkar 1982, Cobbah 1987, Donnelly 1990, Sen 1997). In a similar vein, but related to the particulars of FOI, Snell and Macdonald (2015) state, 'transparency advocates often try to shoehorn a relatively set FOI configuration into each jurisdiction' (p.2). This off the shelf approach to the enactment of FOI legislation around the world is paired with the ideal of western liberal democracies as a model for all societies Snell and Macdonald (2015) note,

The approach is based on the ideological belief in the dominance of western liberalism though the extent to which advocacy for, expectations of and claims for FOI are based on an assumption of the superiority or universal desirability of liberal individualism is an area that requires further exploration (Snell and Macdonald 2015 p.6).

This rationale for the transfer of soft policies/legislation from western liberal democracy to other contexts without taking idiosyncrasies and/or cultural, domestic needs into account is not an exclusive feature of the FOI

movement. OGD related activities and platforms were introduced in countries where the most basic infrastructure was absent or even in languages that were not spoken by the vast majority of the territory, such as the first attempt to launch an open data portal in Kenya, with a strong support from the World Bank (Rahemtulla, Kaplan et al. 2011).

By late 1990s and early 2000s, the approach to FOI as a human right started to become mainstream while international civil society organisations often with a larger staff and more resources than their domestic counterparts. These INGOs evolve as key stakeholders in the advocacy, passage and implementation phases of access to government information legislation around the world, in particular, in the transfer to the Global South countries. In this same context, an access to information law also becomes an intrinsic component of good governance¹¹⁶ reforms supported by IGOs (World Bank, IMF, among others) in developing countries (Fjeldstad and Isaksen 2008). At this stage, all advocacy actors emphasise the idea that the right to access government-held information is clearly tied to the enhancement of governmental accountability and the fight against corruption. In this scenario, not only INGOs but also most IGOs, sometimes in partnership with INGOs and domestic organisations, become promoters of access to information reforms in the Global South (Fjeldstad and Isaksen 2008).

¹¹⁶ Good Governance also became buzzwords in international development circles.

2.4 Last Stage

By the second half of the 2000s, the idea that people should have access to the information produced and/or held by governments exceed the boundaries of liberal western democracies to become part of legislation in countries that can hardly be placed in that category e.g. China, Indonesia, among others. This expansion commences during the third stage of the FOI history, as previously observed. However, the expansion of the FOI diffusion process is not the only element that marks the division between the third and this last stage. By the mid 2000s a new stage is associated with the mass reliance on ICT, and consequently the arrival of the Open Government Data agenda.

The number of national FOI laws has exceeded 100. While international FOI groups and experts continue to provide advice and guidance on such legislation, especially to the Global South, a shift has occurred in the focus of their activities. Their focus has shifted slowly towards the implementation phase more than the passage of the legislation.¹¹⁷ Monitoring of the implementation of the law, in partnership with domestic groups, has permeated the strategies of these international NGOs (Berliner 2012 pp.132-133). In this particular topic, it is important to notice that, in general, the contribution of INGOs to monitoring processes is mediated by the request of IGOs, and not the government itself (Fjeldstad and Isaksen 2008) while in the case of OGD groups, their relationship with public sector tends to have a more direct and collaborative approach.

¹¹⁷ These days, backlashes seem to be a trend within established FOI regimes (UK, NZ, AU). Reforms are in order (INGOs are present or responding only to the UK so far). AU and NZ do not have strong civil society organisations working on the topic.

During this same period requests for measurement and evidence-based advocacy starts to become the norm for many donors and other international governmental organisation (IGOs). In a context where evidence-based policy ¹¹⁸ becomes popular and 'new public management'¹¹⁹ is already mainstream, donors and IGOs start to request evidence that FOI is leading to greater transparency and accountability¹²⁰ and thus good governance, in spite of the jurisprudence leading to more information being disclosed by government. Until now, there have been several exercises ¹²¹ related to global assessments of the levels of transparency in different countries, of which FOI is a key component. During the current decade, many measurements and assessments have been developed in the Open Data field as well (Fumega 2015b pp.31-35).

3. ACTORS

In the first stage of the FOI movement individual advocates, such as Frankel in the UK, Riley in Canada and McMillan in Australia, focus on the

¹¹⁸ The term evidenced based policy (EBP) gained political currency in the UK under the Blair administrations. It was intended to publicly signify the shift from ideologically driven politics to rational decision-making. (Sutcliffe and Court 2005)

¹¹⁹ New Public Management draws practices from the private sector and translates them to the management of the public sector. As observed by Kaboolian (1998): 'Market-like arrangements such as competition within units of government and across government boundaries to the non-profit and for-profit sectors, performance bonuses, and penalties loosen the inefficient monopoly franchise of public agencies and public employees.' (Kaboolian 1998 p.190)

¹²⁰ The close relationship between FOI and transparency, a necessary previous step towards accountability in most cases, has been portrayed in the majority of the assessments.

¹²¹ Some of them cancelled after some time, e.g. the Global Integrity Index. In 2011, the organisation made a conscious decision to discontinue the index aspect of the report. 'Global Integrity found that while the index generated good publicity for Global Integrity, it was less effective as an advocacy tool' (Kalathil 2011 May 11).

domestic arena. The topic starts to gain traction during the last part of the first stage and the beginning of the second period, with FOI advocates in most cases coming from some of the newly created organisations, and some experts in this new field, start to be recognised as referents within this FOI movement and to cross borders to promote the passage of FOI legislation in other territories. Thus, while organisations are starting to be created, the topic becomes popular and the actors gain recognition among their peers and followers. Some of the leading officers of those international civil society groups later create their own groups, such as former Article 19 members, Mendel and Darbshire. Mendel created The Centre for Law and Democracy¹²² while Darbshire founded Access Info-Europe¹²³.

Not only the do the principles surrounding the FOI movement experience changes from FOI as administrative reforms to the internationalisation process and thus the human rights discourse but also the actors, individuals as well as organisations, within this group have changed. The following sections will focus on the particularities of the main features of the international civil society groups that have been working on the global diffusion of FOI principles and legislations, together with some of the transformations they have experienced.

Despite the growth in importance of the topic as well as in the recognition of the actors, the number of international civil society organisations

¹²² Centre for Law and Democracy website: <http://www.law-democracy.org/live/>

¹²³ Access-Info Europe website <http://www.access-info.org/>

working on the diffusion/promotion of those FOI principles is clearly not numerous. The main examples in this chapter are based on the analysis of five organisations. Some common features will be explored to understand not only these five actors but also to present a baseline to better understand international civil society organisations working on the OGD field.

To analyse key variables such as content, approach, engagement and structure allows not only for a better understanding of these international groups and the field. Exploring these variables can provide a better understanding of the reasons and rationale behind the main features of both FOI and OGD and allows for distinctions to be made not only between fields but also within each of them.

3.1 Heterogeneity

After the critical review of the available literature in both fields of study, FOI and OGD, in Chapter 2, it becomes evident that further analysis of international civil society actors is needed, not only because they are key stakeholders in the government information and data ecosystem but also because this analysis provides a clearer understanding of the divergences and similarities between FOI and OGD. It is necessary to clarify that this particular research focuses on civil society organisations at the international level, which operate in several countries in more than one region, as they present the capacity/ability to influence the ideas and activities later replicated/translated by domestic actors.

Civil society organisations working on the diffusion of FOI have provided their own particular approach and have covered particular aspects of the topic. Despite their differences, these organisations are generally portrayed as a homogeneous group of actors, they advocate for and promote the adoption of FOI legislation but present their own vision and their particular expertise, e.g. legal, journalism, privacy, media, among others (Stubbs 2012 p.43).

A clear example of this variety and heterogeneity is portrayed by Kasuya (2013) in her study. It can also be observed in the variety of the members of Foianet as well as the groups included in Sunlight's Foundation transparency organisations' emailing list¹²⁴. The number and diversity of actors working in the transparency field in all its forms adds to the difficulty of delimiting the actors for this thesis.

Kasuya (2013) focuses on a much larger universe of organisations than the ones included in this current thesis. Kasuya (2013) includes domestic and international groups working in different sectors within the transparency field, not only FOI, listed in some of the main mailing list such as Foianet. Despite the divergences between that research and this

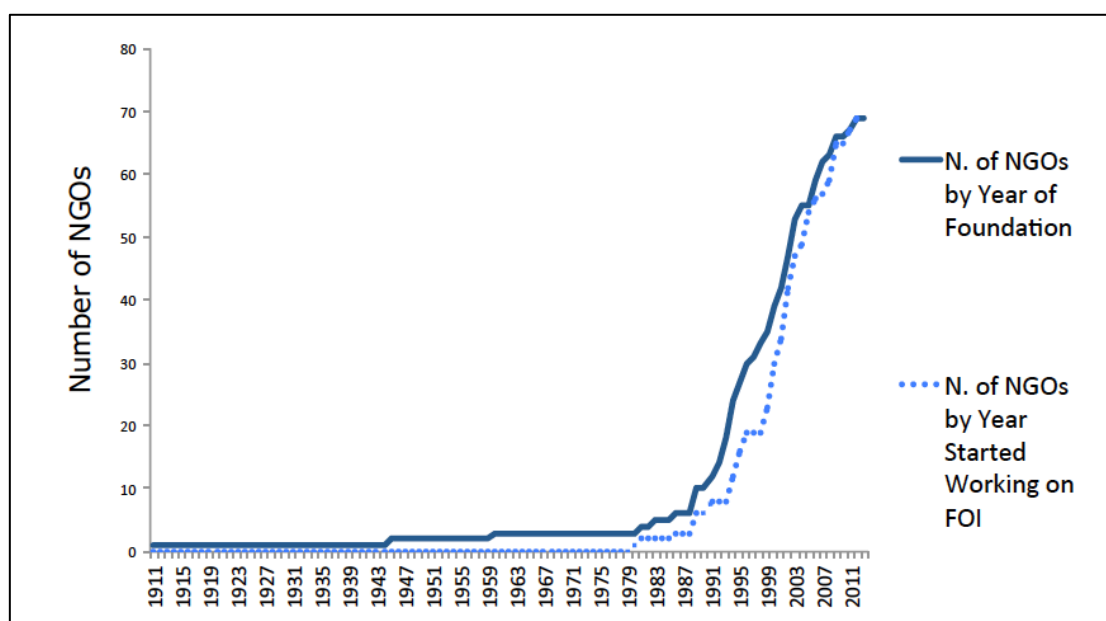
¹²⁴ Most of these lists are crowd-sourced. The inclusion is voluntary and therefore, it consists of a self-identification process. In that sense, many actors working in related areas (privacy, for example) are also included even though they are not the main subjects of this particular study. The previous practical knowledge on these actors (due to my working experience in the field) allow for a more accurate selection of the actors included in this thesis.

<https://docs.google.com/spreadsheets/d/1uLeuKYxpQtVI98ytZsK169Tas6RIVCEhBCaNc vT5PgW/edit#gid=0>

http://foiadvocates.net/?page_id=10289

thesis and despite the fact that most of the organisations surveyed for that research work at the domestic level, Kasuya (2013) presents a valuable picture (Figure 5) of the rapid increase in the number of organisations working with FOI related topics.

FIGURE 5- Transparency NGOs and their years of creation



Source: (Kasuya 2013 p.5)

The Kasuya (2013) figure provides a clear picture of the rapid increase in the number of actors in the field mostly from the late part of second stage to these days. This graphic also provides validity for the arguments included in the early pages of this chapter in terms of the increasing number of actors in the field, in particular during what Darch and Underwood (2010) label the Golden Period. In this context, the identification of the actors from the FOI field, for inclusion in this thesis, proves to be a challenging task. Similar difficulties are found in the

identification of the actors in the OGD field. A large number of organisations belong to the FOI advocacy group, however, a very small number of them work on an international or transnational level. Most of the organisations surveyed in Kasuya's study as well as those included in different transparency emailing lists (Foianet ¹²⁵ and Sunlight Foundation's ¹²⁶) focus their main activities in the domestic and/or regional sphere.

Adding to that geographical delimitation, not all of those actors fit into the concept or groups, which are actively working on the promotion/diffusion of FOI principles and legislation. Many of those organisations work in other aspects of the government transparency field. In addition to the large variety of particular sectors within the transparency field, it is also important to highlight that these transparency-oriented lists present a self-identification policy. Thus, any organisation can include and define themselves as members of these lists to participate in discussions and activities.

After applying all these filters, and taking into account the relevance of the organisations in the field in terms of public participation in events and initiatives ¹²⁷, the organisations selected to be included in this thesis are: Article 19, Transparency International, Commonwealth Human Rights Initiative, the Carter Center, and the newly-created Canada-based Centre

¹²⁵ Foianet website: <http://foiadvocates.net/>

¹²⁶ Sunlight Foundation website; <http://sunlightfoundation.com/>

¹²⁷ Leaving outside of the scope of this thesis to the organisations which are focused on the access to information in a particular sector/area e.g. environment, extractives, etc.

for Law and Democracy. A brief overview of each of them is included in Table 4.

TABLE 4- Brief overview of the main international NGOs working on FOI

<p>Article 19 is one of the most renowned organisations working in the promotion of freedom of expression as well as freedom of information. It was created in 1987 and the headquarters is located in London, UK. Their work throughout the years has presented a strong focus on human rights, as indicated even by the origin of their name from the Universal Declaration of Human Rights. Some of the most recognised names in the field came from this organisation's legal program, e.g., Mendel, Darbishire, and Banisar, who is the current head of the legal program</p>
<p>Centre for Law and Democracy (CLD). Several renowned advocates in the field worked for Article 19. After a few years, some of those professionals created their own organisations. That is the case of Darbishire and Access Info Europe, a Spain-based organisation working on the promotion of the right to access governmental information in Europe. It is also the case of Mendel and the Center for Law and Democracy. The Centre for Law and Democracy is a small Canada-based organisation, created in 2010, that works internationally to promote 'those human rights which serve as the foundation for or underpin democracy, including the rights to freedom of expression, to vote and participate in governance, to access information and to freedom of assembly and association'.¹²⁸</p>
<p>Commonwealth Human Rights Initiative (known as CHRI). As its name indicates they are created to promote the Human Rights agenda within the countries of the Commonwealth of Nations. After a few years, they focused on the implementation of the principles of the Harare Declaration, which sets the principles and core values of the Commonwealth of Nations. It is also created in 1987 and its headquarters is located in London until 1991 when the head office moves to New Delhi.</p>
<p>Transparency International was founded in 1993 with the internationalisation of the transparency and anticorruption agendas. This is the only organisation within this set of 5 organisations that presents a clear focus on an anticorruption agenda, besides the promotion of the access to information. Despite the differences with the other organisations, the activities carried out by Transparency International within the FOI</p>

¹²⁸ CLD Website: <http://www.law-democracy.org/live/about-us/what-we-do/>

movement allows it to included it in this study.

Carter Center - Access to Information program. Former US President Jimmy Carter and his wife founded this renowned not-for-profit organisation in 1982, in Atlanta (US). Their work is guided by the commitment to human rights and the alleviation of human suffering. Within their main activities they include the Access to Information program, which was created in 1999. Since then, they have worked on the passage, implementation and enforcement of access to information laws in several countries. Neuman, Director of this program, is currently co-chairing the access to information group of the Open Government Partnership, among other global activities.

The difficulty of precisely defining the concept of non-governmental organisation is exacerbated by the variety of civil society actors within the FOI civil society ecosystem. In this context, some common variables are explored in order to better understand the common characteristics of international civil society groups working on FOI and OGD. These variables relate to the activities, content and approaches, engage, and structure. All these variables are influenced by the changes and developments in ICT. The exploration of these variables allows for a better understanding of that influence in both the groups and later the entire government information and data field.

4. CONTENT AND APPROACH

As a generalisation the FOI community has mainly focused on the construction, enactment and operation of access to information laws, while OGD groups are dedicated to the reuse of disclosed data. The former fundamentally comes from a legal rights background, while the latter has

generally stemmed from economic/commercial or technological environments (Fumega 2015b p.17). This observation about the main focus of the groups in each field can be explored and analysed against what these international organisations say and/or do. This can be done by analysing their websites and reports.

Some of the key variables to understand the content that these groups produce are related to the topic, as well as the approach to that particular topic. Even though each of the five international organisations presents a different structure and philosophy, they are working towards a similar objective, as their main goal, or as a key component of a larger agenda, the diffusion of the ability to access information produced and/or held by governments for greater transparency.

Despite the diversity and heterogeneity within this group of organisations, their visions are underpinned by the ideals behind western liberal democracies. Thus, in all cases, the rationale behind their work is that governments act on behalf of their citizens, thus informed citizens can hold their governments to account. These ideas are clearly stated on the Article 19 website, when they explain their main mission: 'Freedom of expression and freedom of information are fundamental human rights that are central to freedom and democracy'.¹²⁹

¹²⁹ Article 19 website: <http://www.article19.org/pages/en/what-we-do.html>

The focus on government transparency comes along with another characteristic, the human rights approach. This human rights-based discourse is adopted by most organisations during the first decade of the 21st century. In most cases, as explained by Mendel (2008) the access to government information is labelled as a freedom and not as a right. This change in the discourse relates to the concept of access to government-held information as a human right, which needs to be guaranteed by governments around the world to protect the basics of modern liberal democracies.

Article 19 provides one of the most obvious examples of the relationship between the rights-based discourse and these INGOs. Its mission and even its name are related to their legal approach to the topic of freedom of expression, from which advocates take the rationale to argue for FOI as a human right. In spite of this interest on FOI, the fight against censorship and the advocacy for greater freedom of expression have been this organisation's main focus.

The Carter Center presents a different type of structure in comparison to the other INGOs as it partners with an academic institution. Their main goal is the protection of human rights. Within that umbrella, they have an access to information program, which has been highly active in the field since the early 90s. This organisation was founded in 1982 by former U.S. President Jimmy Carter and his wife Rosalynn Carter.

According to their own website, ‘...Carter Center, in partnership with Emory University, is guided by a fundamental commitment to human rights and the alleviation of human suffering’¹³⁰. Despite being an organisation promoting a large number of topics, the work that the Carter Center has done in the field, e.g., the Atlanta declaration (Carter Center 2008), diffusion work in Latin America¹³¹ and Africa¹³² and currently co-chair of Access to Information working group in the OGP¹³³, puts them within the main international organisations.

The Commonwealth Human Rights Initiative (CHRI) is an international non-governmental organisation formed to support Human Rights within the Commonwealth of Nations, ‘CHRI believes that the Right to Information is fundamental to the realisation of economic and social rights as well as civil and political rights. Informed participation by all must therefore be guaranteed through increased access to public information’.¹³⁴ They have worked extensively in South Asia and Africa. They currently have a particular focus on India¹³⁵ and Ghana¹³⁶ but they have influenced both regions throughout the years¹³⁷.

¹³⁰ Carter Center website: <http://www.cartercenter.org/about/index.html>

¹³¹ For example: <http://www.cartercenter.org/peace/ati/work/bolivia.html>

¹³² For example: <http://www.cartercenter.org/peace/ati/ati-in-liberia.html>

¹³³ For information on the working group: <http://www.opengovpartnership.org/participants-3>

¹³⁴ In CHRI Website: <http://www.humanrightsinitiative.org/>

¹³⁵ For more information: <http://www.humanrightsinitiative.org/content/where-we-work-india>

¹³⁶ For more Information: <http://www.humanrightsinitiative.org/content/where-we-work-ghanna>

¹³⁷ For CHRI international work: <http://www.humanrightsinitiative.org/content/where-we-work-international>

Lastly, the Centre for Law and Democracy (CLD) is a small organisation created only five years ago by former Article 19's Head of Legal Programme. This organisation's line of work is rooted in the leadership and previous work of its Director, Mendel. As Mendel is one of the main actors advocating for FOI to be recognised as a human right, during his time working for Article 19, it is not surprising that the mission of the CLD is clearly oriented to the promotion of the access to government information, together with freedom of expression and freedom of assembly, on the bases that they all are human rights which serve as the foundation for or underpin democracy.

These organisations are classified in this thesis as FOI international groups, yet they are far from being a homogeneous group. In the first place, a clarification borrowed from the privacy field could be applied. This first attempt at classification relates to the main drivers behind the work of these groups. Thus, within the main advocacy-oriented organisations working at the international level two main drivers can be identified, in line with Bennet (2008) classification of privacy organisations,

- FOI-centric organisations; and
- Organisations approaching FOI as a tool to achieve other goals.

At first glance, the organisations included in this thesis, do not focus solely on activities and issues related to the ability to access to government information. In most cases, large organisations present a myriad of projects and goals, beyond FOI related activities. However, when looking closely at their main goals and mission, some of these organisations can

be placed within the first category if the rationale relates to the idea that FOI as an end and not necessarily as a tool to achieve other goals. The latest is the case of the organisation approaching FOI as a tool to fight corruption, for example, while some other organisations work on access to information with more emphasis on the right-based discourse.

Thus, Transparency International is clearly placed within the second group of organisations, in spite of its human right's perspective. Their main goal is to fight corruption and the ability to access government information is approached as a valuable tool in that fight. On their website, they state, 'Our Mission is to stop corruption and promote transparency, accountability and integrity at all levels and across all sectors of society. Our Core Values are: transparency, accountability, integrity, solidarity, courage, justice and democracy'¹³⁸. Despite the emphasis of this organisation's mission on the fight against corruption worldwide, when referring to the access to information, they follow the right's discourse as can be seen on their website with titles such as 'Information about your government: it's your right to know'¹³⁹.

Despite the differences in terms on how these organisations approach their work, the discourse of the right is present in all of their activities and manifestations with some variations. In that sense, the right's approach is closely connected to the background of most of the prominent members of

¹³⁸ Mission of Transparency International in their website:
https://www.transparency.org/whoweare/organisation/mission_vision_and_values/

¹³⁹ Mentioned to the 'Right to Know' in TI website:
http://www.transparency.org/news/feature/information_about_your_government_its_your_right_to_know

these organisations as well as other experts. The FOI field has been largely a lawyers' domain¹⁴⁰, setting a legalistic approach to the initiatives and adding to the confrontational relationship with governments.

5. ACTIVITIES

Even though FOI organisations and actors advocate for greater access to government information, their work should include inert and adaptable data. If data is the raw element to produce a meaningful output known as information, adaptable and inert data should be both the object of FOI advocacy campaigns. In practice, their work is mostly focused on access to inert data and/or information for transparency purposes. This emphasis is clearly related not only to the background of the professionals but also the time in which these organisations were created.

Most of these organisations were created and started to work in the FOI field, after the end of the cold war, in the late 1980s and early 1990s. The CLD is the clear exception. In that sense, they were created, unlike OGD organisations, in an offline period of time. Even though the origins of the web technology and other tools were created in a similar period, they were not popular tools for civil society organisations or even for governments' daily tasks. The limited influence of ICT developments also relates, together with their right-based approach, to the focus on the access more than the actual use of the information. However, this seemingly uniform

¹⁴⁰ Some human rights and administrative lawyers started to become popular names in the field (sometimes even more than the organisations they represented. In general they later created their own organisations on the topic)

limited influence of ICT over FOI organisations will be challenged in Chapter 6.

In spite of the differences, the organisations created before the mass diffusion of ICT developments plan and perform their activities in a way that it is closer to traditional advocacy work and therefore, they are quite different to the activities that OGD groups propose to promote their principles and ideals. In that sense, the Article 19 website provides a clear example of the legal approach to the topic and a more traditional set of activities, in comparison to the OGD groups included in Chapter 5. The website reads,

‘We make sure laws meet international legal standards by:

- Analysing and making recommendations for the improvement of both draft and existing laws
- Litigating in precedent-setting cases in the United Nations Human Rights Committee (UNHRC), the European Court of Human Rights (ECHR) and in national courts. We do this through amicus curiae briefs, acting as counsel and providing assistance in legal arguments
- Lobbying for international human rights monitoring mechanisms to set international standards
- Producing key documents on international standards
- Contributing to policy development.¹⁴¹

¹⁴¹ Article 19 Law programme website: <http://www.article19.org/pages/en/law-programme.html>

Following on the information that this example provides, a review of some of the activities that the organisations perform allows for a better understanding of the similarities between them as well as the divergences with other movements. Thus, according to the activities these organisations design, all of their websites and reports include the promotion of the right to access to Information agenda. Most of the organisations, unlike OGD groups, show many similarities when promoting their ideas. Furthermore, most of their activities relate to what can be labelled as research and advocacy. Those two areas are similar in their use of several activities. The same applies for the OGD groups' activities as follows:

Research (not led by a University or Academic Centre)

- **Knowledge development and sharing**

- i. The Carter Center Lima Conference in 2009¹⁴²;
- ii. Before that event, in 2005, the Commonwealth Parliamentary Association and CHRI held a workshop for parliamentarians and senior government officials from across seven countries in the Pacific Islands region¹⁴³;
- iii. In 2010 the Carter Center coordinated the African Regional Conference on the Right of Access to Information¹⁴⁴;

¹⁴² Lima, Peru. April 28-30, 2009. More information:

<http://www.cartercenter.org/peace/ati/conferences/2009/index.html>

¹⁴³ Nadi, Fiji Islands. September 1-2, 2005. More information:

http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/cpa_chri_workshop_foi_sep05.pdf

¹⁴⁴ Accra, Ghana, February 7-9, 2010. More information:

<http://www.cartercenter.org/peace/ati/conferences/2010/index.html>

- iv. The Centre for Law and Democracy has also organised several workshops, in particular in Indonesia¹⁴⁵.

- **Standard settings and legal analysis**

- i. Article 19's Principles on Freedom of Information Legislation in 1999;
- ii. Model Law on Freedom of Information in 2001 published by Article 19, Centre For Policy Alternatives, Commonwealth Human Rights Initiative and the Human Rights Commission Of Pakistan;
- iii. The Johannesburg Principles on National Security, Freedom of Expression and Access to Information were adopted in October 1995 by a group of experts convened by Article 19, the International Centre Against Censorship, in collaboration with the Centre for Applied Legal Studies of the University of the Witwatersrand, in Johannesburg;
- iv. In the past couple of years CLD has been working on the analysis of drafts and bills in different countries such as Kenya, Morocco and East Timor, among others.

Development of rankings and measurements

- The most renowned global ranking from this community was largely based on Article 19 Principles of Freedom of Information

¹⁴⁵ More information on the CLD activities in Indonesia: <http://www.law-democracy.org/live/projects/rfi-in-indonesia/>

Legislation. This 'RTI ranking'¹⁴⁶ was created by the CLD, in partnership with Access Info- Europe¹⁴⁷.

Advocacy

- Public campaigns e.g. Article 19's campaign for the right to environmental information in Bangladesh; and
- Lobby for legal reforms e.g. CHRI and Transparency International were members of the National Campaign for People's Right to Information in India.

The absence of the tools and services' category, which is included in the analysis of OGD groups relates to several features of the FOI groups. In the first place, these organisations are focused on the access of the information more than the actual reuse of it. This is because of the professional background of these FOI organisations. Access to information is approached as a right, sometimes even as a human right, more than a resource to inform policies and other activities, as it is the case of most OGD groups and the limited influence of ICT. It is important to highlight a tendency to present a confrontational relationship with governments as well as more traditional sources of funding. The latter relates to the predominance of IGOs and donor foundations from WB, IMF, UN to Open Society Foundations, and Ford Foundation, to name a few as their main

¹⁴⁶ For more information: <http://www.rti-rating.org/>

¹⁴⁷ More information on assessments can be found at: Fumega, S. (2015). Understanding Two Mechanisms for Accessing Government Information and Data around the World, World Wide Web Foundation.

source of funding rather than relying on services provision to generate an income.

This overview of the main categories of activities of these five organisations provides some preliminary insights. Firstly, most of these groups tend to set the main strategic lines but they rely on domestic partners to carry on the main advocacy activities with the support and expertise that HQ can provide. This is the case of large organisations such as Transparency International, while other smaller groups establish short-term partnerships based on particular projects, such as the case of Centre for Law and Democracy¹⁴⁸. It is also noticeable the predominance that many regional-focused organisations e.g. AFIC¹⁴⁹ and Access Info-Europe, among many others as well as networks have in advancing the agenda, e.g. Regional Alliance for Freedom of Expression and Information¹⁵⁰.

6. STRUCTURE

FOI organisations present a more traditional organisational structure in comparison to their pairs in the OGD field. The lack of flexibility, within these organisations, seems to be related to more traditional workplace arrangements, coming not only from the legal rights-based background,

¹⁴⁸ An example of this project-based partnership is the development of the RTI ranking, previously mentioned. This assessment was created by the Centre for Law and Democracy and Access Info-Europe

¹⁴⁹ Africa Freedom of Information Center: <http://www.africafoicentre.org/>

¹⁵⁰ For more information: <http://www.alianzaregional.net/> (in Spanish)

which permeates organisations and actors but also because the ICT developments not only as a tool but more importantly as a philosophical background/culture, have not had a profound impact on these organisations or in their lines of work.

The resistance to include innovative ideas¹⁵¹ and to incorporate new ICT developments into their lines of work is also related, not only to the professional background of these groups but also, in some cases, to their size. Some of these organisations today are large entities, which employ more than 80 staff, and in some cases, such as Transparency International, they have 200 employees in their headquarters¹⁵².

The magnitude of these organisations, on one side, allows them to run multiple activities in many countries around the world, but on the other side the number of bureaucratic procedures that each decision has to go through prevent the inclusion of innovative ideas. Unlike OGD groups, innovation is neither a characteristic of these organisations nor a feature they praise.

¹⁵¹ In most cases, these large organisations have a highly bureaucratized operational system. This type of structure allows them to be efficient and effective in terms of managing large numbers of programs, partners and chapters/offices. However, this feature also limits the possibility of incubation of new ideas. As it happens with many large governmental organisations (or other large bureaucracies, the space for innovation (and permission to fail) and flexibility is very limited. See Chapter 7 for a more detailed analysis on bureaucratic and post-bureaucratic organisations.

¹⁵² http://www.transparency.org/files/content/ourorganisation/Feb2014_TISOrgChart.pdf

TABLE - Summary of organisational structures of these FOI INGOs

	Structure
FOI international organisations	<p>Traditional: Head quarters with different engagement structures:</p> <ul style="list-style-type: none"> • Local offices in other countries • Chapters (autonomous organisations) • Occasional partners depending on the project

Highly professionalised staff run these organisations. In FOI programmes there is a large number of professionals with legal backgrounds and degrees. Not only highly prepared staff work in these organisations but also, in some cases, they build their careers inside these bodies in different positions or programs, which are run by the same professionals for a long period of time.¹⁵³ As these are large organisations, to find the particular people in each position in their websites is not an easy task. In most cases, they share the name of their boards but not the names of each professional in charge of the working programmes and areas, e.g., Article 19 and Transparency International and CHRI websites.

The case of Centre for Law and Democracy differs from the reality of the other four FOI organisations. The CLD created in 2010 currently relies on the work of the executive director, a legal officer, a website designer as

¹⁵³ <http://www.transparency.org/whoweare/organisation/management/0/>

well as a number of interns and volunteers. Its structure seems to be closer to the one that small domestic NGOs present in the early stages of the FOI movement rather than the large international organisations. The strength of this organisation relies on the background of its small-size staff and not in their structure and reach.

7. ENGAGEMENT

Government-NGO relationships vary depending on the topic, the structures, funding, and political context, among other factors. In that sense, it is difficult to define a clear path of engagement for a whole field (Anheier and Toepler 2009). Despite this caveat and even though these organisations receive some funding from IGOs and governments, they do not rely on charging for services to governments or other entities as a source of revenue, unlike OGD groups.

The FOI community has mainly focused on access while OGD groups are also dedicated to the reuse of the disclosed data. These differences also explain the diverse approaches to their relationship with governments. As previously mentioned, FOI organisations tend to be more confrontational, especially when governments do not enact legislation on the topic or where legislation is available, they refuse to comply and disclose the requested information. Meanwhile, the OGD movement is looking for a more cooperative relationship with governments. The difference resides in

the fact that the latest groups of actors work with the data the governments are willing to disclose.

Even though both groups, FOI and OGD organisations, work with government informational resources, the FOI movement looks at the government from a watchdog role while the OGD groups understand governments as a source of useful data they can use and reuse with a broad range of goals in mind. As one of the main organisations in the FOI field, 'ARTICLE 19 monitors and works with the international community so that the decisions which are made properly protect people's rights to these freedoms'.¹⁵⁴

Despite the fact that many FOI organisations work with governments through workshops and events, their independence from governments' funding -even though some of them receive funding from foreign governments, development agency budgets, and contracts- is a key feature of their work as it allows them to keep certain distance to perform their tasks as watchdogs. These large FOI organisations, unlike the OGD groups, do not rely on fees from services as a source of revenue. This characteristic, on one side, gives them independence from government but, sometimes, it makes them more susceptible to donors' demands.

Scholars, due to the increase in international politics as well a rise in the number of international non-for-profit organisations in the past 30 years,

¹⁵⁴ International work in Article 19 website:
<http://www.article19.org/pages/en/international.html>

have analysed their interaction. Some of them argue that the relationship between donors and organisations is based on inequality and dependency, others state that it is an interdependency relationship while others call it an 'interaction' (Groves 2008). Despite the different approaches to this relationship, all these large organisations depend on donors' resources, IGOs, donors Foundations and individuals, as they have not developed business strategies to become self-sustainable entities.

Despite the relationship with their donors, one of the main points in the analysis of these actors, as well as in the case of OGD groups, relates to the way they engage with other actors, domestic civil society actors, in particular but not exclusively, in order to promote their agenda. To fulfil their mission, these international organisations need to interact with domestic actors. The differences in how these actors collaborate with others depend on their main activity, audience, and, of course, their partnership arrangements.

These five organisations present different structures but all of them have set mechanisms in place to reach local partners to advance their agendas in different countries and regions. Thus, Article 19 has a presence around the world through several offices. Their regional offices are located in the Asia Pacific, Central America, East Africa, Europe and Central Asia, the Middle East and North Africa, South America, and West Africa. A legal program, a communications department, together with a department of

operations, supports all of these regional teams. These are not independent organisations but branches of the same large organisation with a main office in London, UK. This process of expansion started in 2007, when Article 19 decided to move from a single office in London to several regional offices supported by their headquarters in London.

CHRI presents a similar arrangement, even though it is a smaller organisation, in comparison to the other 3 groups, in terms of the number of offices and presence around the world. Their Headquarters office is located in New Delhi, India. They have another 2 offices to reach other regions within the Commonwealth of Nations: one in Africa, which is located in Ghana, opened in 2001 and the regional office for the Western Hemisphere, which is in London, UK, which was CHR's main office until 1993, when they opened a head office in India.

In terms of the Carter Center, they have a central and main office in Atlanta, US. Even though the Carter Center has an office in the United Kingdom¹⁵⁵ and had, until recently, an office in Egypt¹⁵⁶ as well as in several other countries, most of them related to their peace's missions, such as the office in Ramallah¹⁵⁷ and Maputo. The main office in Atlanta is in charge of running all the main programs and operations.

Transparency International presents a different and more complex structure. They are comprised of several layers of members, a global

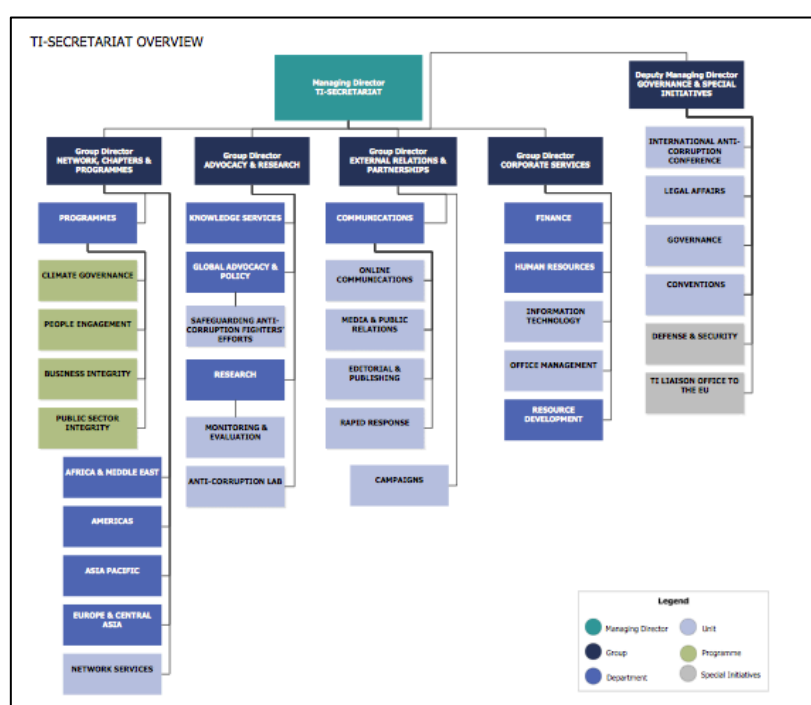
¹⁵⁵ http://www.cartercenter.org/about/carter_centre_uk/index.html

¹⁵⁶ <http://www.cartercenter.org/news/pr/egypt-101514.html>

¹⁵⁷ http://www.cartercenter.org/news/pr/ramallah_office.html

network of chapters, an international secretariat, a board of directors, individual members, an advisory council and other volunteers¹⁵⁸. In comparison to the other 3 organisations, TI provides in their website the best resources to understand their organisational changes throughout their history. It is the best documented online of the 4 selected organisations.

FIGURE 6- Structure of Transparency International Secretariat



Source: Transparency International website

According to their website, TI from their early days aimed to combine global advocacy with the expansion of a network of national chapters. Their first chapters, with the exception of Ecuador, are located in the Global North, Denmark, Germany, the UK and the US. These early chapters are not autonomous NGOs. Argentina's Poder Ciudadano¹⁵⁹ is

¹⁵⁸ <http://www.transparency.org/whoweare/accountability/governance/1/>

¹⁵⁹ For more information: <http://poderciudadano.org/> (in Spanish)

the first existing independent domestic NGO to join the growing network. By 2011, TI had representation in more than 100 countries.

In some ways, TI's structure is similar to the one presented in OKFN but with some key differences. One of the main differences is that accredited reports account for at least two-thirds of the voting power at TI's Annual Membership Meetings and together with the individual members they elect the Board of Directors¹⁶⁰. In that sense, chapters, in spite of their independency, have a voice in the decisions of the organisations.

Lastly, it is necessary to mention the case of the CLD. This organisation, in terms of structure, is quite different to the other large organisations. As this is a newly created small organisation, it does not have offices and/or chapters in other countries. However, the background of its staff, particularly its director, allows the organisation to have contacts and projects around the world.

¹⁶⁰

http://www.transparency.org/whoweare/accountability/national_chapter_accreditation_and_individual_member_appointment_policy/0/

TABLE 6- Summary of the engagement's arrangements for these INGOs

ORGANISATION	EXTERNAL STRUCTURE	
Article 19	Offices in other countries	ARTICLE 19 has programmes working in Asia Pacific, Central America, East Africa, Europe and Central Asia, Middle East and North Africa, South America, and West Africa ¹⁶¹ .
CHRI	Offices in other countries	Their current Headquarters is India. However, they have another 2 offices to reach other regions within the Commonwealth of Nations: One in Africa, which is located in Ghana (opened in 2001) and the regional office for the Western Hemisphere, which is in London, UK ¹⁶²
Centre for Law and Democracy	They do not have offices or/and chapters in other countries. Their international work is based on specific projects and/or requests.	In their website they do not specify the location of their office, if they have one. In this sense, this organisation operates similar to the small domestic organisations but with an international reach and approach. They collaborate in many occasions with other organisations such as Access Info Europe.
Carter Center	Offices in other countries (mostly for projects not related to FOI) as well as temporal allies depending on projects	Their main office in Atlanta is in charge of running all the main programmes and operations. ¹⁶³
Transparency International	Chapter (offices and autonomous organisations)	By 2011 TI had representations in more than 100 countries ¹⁶⁴

¹⁶¹ <http://www.article19.org/pages/en/programmes-people.html>

¹⁶² <http://www.humanrightsinitiative.org/index.php>

¹⁶³ http://www.cartercenter.org/peace/ati/program_staff.html

¹⁶⁴ <http://www.transparency.org/whoweare/history>

8.OTHER RELEVANT ACTORS

In early adopters of FOI legislation, the role of domestic scandals, individual scholars, parliamentarians and public officials were key, while in the second and third stage the role of international NGOS come to the forefront. In the current stage, not only are NGOs, domestic and international key actors in the FOI ecosystem, but the role of networks has also become important as they connect international experience and actors together with funding opportunities for the domestic advocates.

Thus, international civil society organisations, even though key actors, are only one of several stakeholders in the government information ecosystem. Despite the emphasis of this thesis on international groups, due to the key role they play, there are other actors within the global diffusion ecosystem that need to be included, as sometimes they reinforce the role that INGOs play. These five organisations' websites, as well as some of the information exchanged through mailing lists like Foianet. In this sense, international NGOs are currently adopting a role that can be defined as a hub.

During the Golden Period, these organisations were highly active in terms of advocacy and lobbying for the passage of FOI legislation. With the increment in staff, offices and/or chapters around the world, leading to a high level of bureaucratisation, these large international groups seem now to focus on setting the strategy and sometimes on transferring resources (from knowledge and expertise, to influence as well as material resources

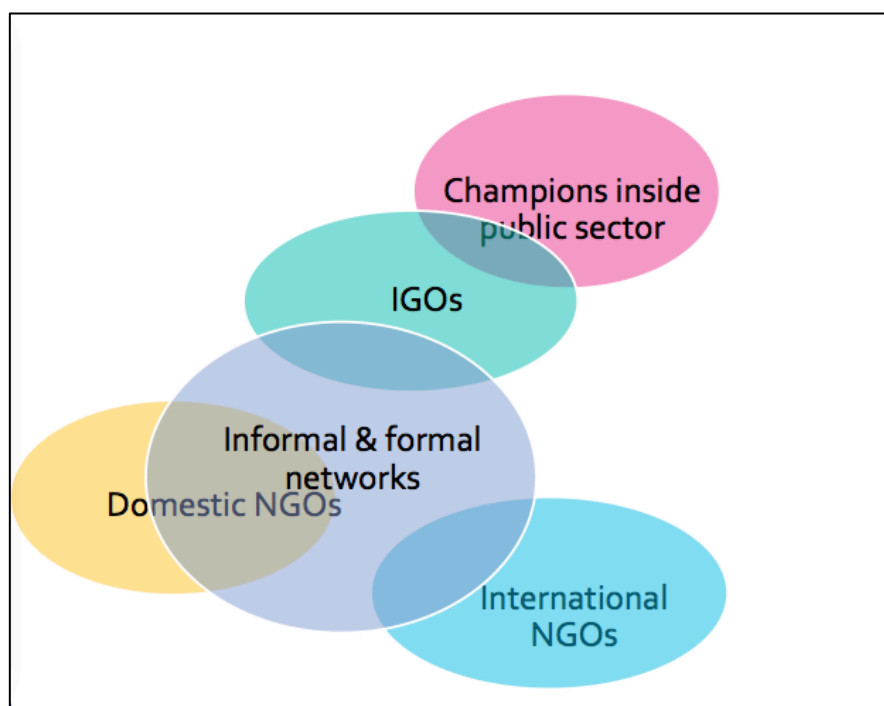
sometimes) to their local partners, which are closer to the implementation of these laws.

In that sense, organisations like TI, Article 19, the Carter Center as well as CHRI collaborate with regional networks, such as the Regional Alliance for the Freedom of Expression and Information or regional organisations, such as the African Freedom of Information Centre to promote their strategies and to implement their projects. TI has been working closely with the Regional Alliance for the Freedom of Expression and Information, especially in relation to the Latin American activities at the Open Government Partnership forum. In that particular initiative, the Carter Center has also had a prominent position as Neuman is currently co-chairing the Access to Information working group¹⁶⁵.

This FOI civil society ecosystem, small and mostly domestic during the 1970s and 1980s, has been transformed and it currently presents all types of actors, in terms of features, size, location but they are all working towards a similar goal access to information towards transparency and accountability.

¹⁶⁵ The differences between the performance of the Access to Information and the Open Data working group also helps us to identify some of the difference between both movements. The Access to Information working groups has been more involved in the discussion among their own members in terms of the exercise of the power between them. It is taking them some time to organise themselves and to community their ideas and plans to all the mailing list. In contrast, the Open Data working group has been actively sharing the updates and plans for every member of the mailing list to comment. They have promoted different initiatives such as open call for projects' proposal, call to participate in Open Data Conferences, etc.

FIGURE 7- Main stakeholders in the ecosystem of FOI advocates



The main stakeholders are diverse. Regional actors as well as virtual spaces are important in the diffusion of lessons learned and the exchange of all types of knowledge among a large number of groups and individuals working in the FOI field. Some of those are regional NGOs, such as Access Info Europe and African Freedom of Information Centre, formal regional networks as the Regional Alliance for the Freedom of Expression and Information as well as virtual knowledge sharing networks like Foianet and FreedomInfo. All those actors are also connected to domestic organisations in order to advance the right to access governmental information in particular countries.

8.1 Mass Diffusion of Communication and Information Technology (ICT)

Most of the above-mentioned organisations have defined their areas of work and approaches in a time where the Internet (web 1.0) was not a very popular tool. However, it is just at the end of the early years of the 21st century that ICT tools are established as new way of communication and interaction.

ICT has had a great impact, especially during the past two decades, in the management of information within the public sector. Since the late 1980s, there have been significant changes in technology, particularly in relation to the development of the Web. The first generation of Web technology, usually named Web 1.0, focused on static environments, with HTML pages, and few updates without user interaction. After 20 years, this technology has evolved into dynamic applications that allow users to perform all types of online transactions, collaborate in content generation, and share information in a variety of ways, creating new forms of social interaction (Web 2.0).¹⁶⁶

The FOI movement was born offline and, until recently, independent from ICT developments. However, entering the 21st century, the approach to Freedom of Information (FOI) as the ability to ask and receive government-held information, has started to transform. The changes are partially a product of the developments in the Information and

¹⁶⁶ The term web 2.0 became popular in 2004, with the first web 2.0 conference hosted by O'Reilly Media.

Communication Technology field. As Roberts (2006) and Snell (2008, November 4) note, the target for access has been modified to include not only the old fashion official file but also digital-based communications such as emails, early drafts, metadata (Roberts 2006 p.200). Public agencies have struggled to comply with FOI legislation in an offline, paper-based, information environment, however now the need to add new skills and resources to catch up with the transformations that this ICT developments have brought has significantly transformed the public agency response framework. As Snell observes,

A new generation of FOI legislation and practice is needed. A FOI Version 2.0 model would represent a shift to a more dynamic, structured and intellectually coherent system of increasing the flow and quality of information. This is FOI for the Google age. The legislative design and cultural practices of the system need to ensure adequate incentives for pro-active and improved disclosure (Snell 2008, November 4 p.10).

TABLE 7. Civil Society organisations and the different stages in the FOI movement

CHANGES IN THE FOI MOVEMENT	SOME EXAMPLES FROM CIVIL SOCIETY ORGANISATIONS (Domestic, Regional and International)
<p><u>Stage 1 (from 1960s to mid 1980s)</u></p> <p>Local FOI (Domestic approach to FOI. NGOs working in one country)</p>	<ul style="list-style-type: none"> ○ Campaign for Freedom of Information (domestic- UK) was created in 1984
<p><u>Stage 2 (from mid 1980s to mid 1990s)</u></p> <p>First step on the internationalisation of FOI From Lockean to Hobbesian States</p>	<ul style="list-style-type: none"> ○ Article 19 and CHRI were created in 1987 ○ Transparency International was founded in 1993
<p><u>Stage 3 (from mid 1990s to mid 2000s)</u></p> <p>FOI as a right (art 19 and standards): Recognition of FOI as a right to be legally regulated.</p> <p>FOI as part of the broader concept of transparency and good governance</p>	<ul style="list-style-type: none"> ○ Carter Center Global Access to Information Initiative was created in 1999 ○ In November 1999, the three special mandates on freedom of expression - the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression - came together for the first time under the auspices of Article 19 (Mendel, 2000) ○ Transparency International promotion of transparency laws in several countries (such as Peru and Ecuador) since early 2000s. Source: datasets of TI projects on Access to Information
<p><u>Stage 4 (from mid 2000s onwards)</u></p> <p>Mass diffusion of Information and Communication technology (FOI 2.0 and emphasis on proactive disclosure)</p>	<ul style="list-style-type: none"> ○ Access Info Europe (regional) was created in 2006. Its executive director previously worked for Article 19 and Open Society Institute. Even though this organisation is dedicated to promoting and protecting the right of access to information in Europe, they were one of the first right-focused organisations to actively work with developers and other ICT-focused organisations (e.g. Beyond Access report in 2010)

This FOI version 2.0 can be understood as a new way to interact with government-held information, where the emphasis is on the proactive publication of the information. Thus, governments are required to publish the information they produce without the presence of a request, unless contrary to public interest. This shift from reactive to proactive disclosure is the main characteristic of one of the latest changes in the FOI movement.

In the face of these new ways to interact with government-held information, the groups working on the FOI agenda have kept their vision unaffected. This can be explained partially by the approach to the topic, which includes the professional background of their main actors as well as the time when these organisations were created. However, some changes in communications as well as in some of the activities these organisations, present the undeniable influence of ICT. However the way and pace in which this influence has manifested present many divergences with the way in which ICT permeated other information management- related fields.

8.1.1 ICT and a broader universe of actors

Given that the intensive use of ICT is an intrinsic feature for OGD groups and advocates, analysis of the influence of ICT in relation to the performance and activities of FOI actors is critical in respect of both large organisations such as TI and Article 19, as well as also some smaller groups. In some cases changes are subtle while in others, sometimes forced by limited budgets and donors' new areas of interest, they have

been more visible. In that sense, the activities of these actors are not only influenced by the development of ICT tools implemented to access government information but also by the donor's and international foundations' position in regard to these developments.

Activities and approaches to FOI and NGOs are expanding their areas of influence for a more practical reason: material resources. The NGOs, which do not have a secure amount of material resources, need to modify their lines of work and adopt a new approach to government information. On the other side, those organisations that do not suffer the pressure to compete for new resources due have partially modified their work strategy and have included ICT tools in a more subtle way. In fact,

... [a] large number of ATI CSOs expressed an interest in learning more about the open government data movement and in having training on the specific issues in order to have a better grasp of this newly emerging field. Such requests came in particular from a number of countries in Europe (including Russia and South-East Europe) and Latin America (Access Info and Open Knowledge Foundation 2010).

As flows of information inside public administration have been modified¹⁶⁷ with the evolution of those ICT tools, international NGOs working on

¹⁶⁷ There is a vast literature from the 90s approaching those changes. Much of this academic literature has been focused on the concept of 'informatisation'. This approach describes Public Administration by reference to the new technological wave. This new approach is characterized, according to Taylor, by the importance of the role of ICT to understand contemporary public administration and also by a greater emphasis on the use and flow of information in and around organisations of governance (Taylor 1998).

FOI¹⁶⁸ face the challenge of adapting their lines of work. Moreover, as observed by Davies and Edward, in facing that evolution they need to take full advantage of the disclosed open data; clearly, some data literacy and ICT skills are needed (Davies and Edwards 2012). As another commentator observes,

...[t]he access to information organisations surveyed a relatively low level of engagement with the open government data movement and many expressed unfamiliarity with recent developments and with the technical terms. Nevertheless, some access to information groups have undertaken activities which directly relate to the goals of the open government data movement (Access Info and Open Knowledge Foundation 2010).

9. SOME PRELIMINARY FINDINGS

Many initiatives, policies and laws on the disclosure of government information and data have been launched/enacted in the past decades. The large number of actors and initiatives in both related fields requires delimitation to be able to complete a closer analysis of some of the key elements. By applying certain basic variables, content, approach, engagement, structure, allows for a better understanding of not only particularities but also trends in these actors, instead of forcing these actors into a definition that presents several limitations.

¹⁶⁸ Right of Access to Information movement, as described in Access Info and Open Knowledge Foundation (2010)

This chapter has provided an analytical overview of the main five international FOI organisations while Chapter 5 will introduce the main organisations working in the OGD field. The overview of these important groups in the FOI field also provides the main elements to understand the different stages of the recent FOI history and also the main drivers behind the activities in the field. This rationale also applies to the analysis Chapter 5.

In particular, the importance of the legal rights-based background of leaders and members of these organisations has been analysed in this chapter. Despite all their particularities, these actors have mainly focused on the construction, enactment and operation of access to information worldwide. In general terms it can be said that these group focus on the possibility to access government-held and/or produced information while OGD groups, emphasise the possibility of the reuse of the information resources.

TABLE 8- Summary of main characteristics of FOI international civil society organisations

	GOALS	APPROACH	OPERATIONAL ENVIRONMENT/ CONTEXT	APPROACH TO GOVERNMENTS
FOI international organisations	Single: Greater transparency via accessing government information (legislation enactment)	• Mostly Legalistic	Paper based (slow feedback loops. Small room for innovation within large bureaucratic organisations)	Confrontational, in most cases

All these elements also influence the way in which these organisations relate to governments. Most FOI advocates, who generally come from the transparency and accountability fields, present a more confrontational attitude, as it is based on a non-compliance base, towards governments, in comparison to OGD approach to governments. This analysis provides the basis on which to compare and contrast the role played by INGOs in the diffusion and advocacy of OGD. In Chapter 5, the main features of the organisations working in open government data activities will be introduced.

After that critical overview of the main features of FOI and OGD INGO, the influence of ICT tools on their activities will be explored in more detail. Thus, in Chapters 6 and 7 the differential influence of ICT developments in FOI organisations and the OGD groups is analysed. Differences between the

impact over the field as well as the organisations in FOI and OGD are key features that provide insights into the similarities and divergences of not only actors as well as policies.

1. INTRODUCTION

The analytical review of FOI organisations in Chapter 4 provides the main elements for the analysis of OGD groups. In that chapter the importance and influence of ICT on the fields as well as organisations indicates that developments and advances in ICT are not as significant as these developments are in the OGD field. The critical overview of OGD international organisations, adding to the previous analysis of the FOI international groups provides the basis for a better understanding of not only the similarities and differences between these two fields, but also demonstrates the impact of ICT on OGD organisations.

Despite the shared elements between FOI and OGD, in particular when referring to proactive disclosure, this chapter explores the divergences between them, in terms of vision, engagement and even structure. A review of the professional background of staff, organisational vision and structure, and the influence of ICT developments¹⁶⁹ allows for a better understanding of the international groups working in both areas.

While FOI organisations focus on advocacy to gain access to government-held and produced information, OGD groups place most of their efforts on the use/reuse of the data. Creating tools to add value to the data is one of

¹⁶⁹ See Chapter 7 for a more detailed analysis of the influence of ICT in FOI and OGD organisations.

all OGD organisations' primary tasks. This is one of the examples of the key influence of the strong influence of ICT in the OGD field. A critical overview of some of the main international actors in the OGD field provides evidence of the importance and influence of ICT for these OGD INGOs.

ICT has had a critical influence in terms of how individuals and organisations manage information and communicate to each other. The nature of organisational topics on the structure of the organisations as well as the vision of their funders, are all connected to the technological developments of the past couple of decades. This influence is clearly expressed in the connections between the Open Source movement and "hacker ethics" including on the activities as well as the structure and engagement models of these organisations.

The general area of Open Government Data is underdeveloped in terms of analysis, scrutiny and explanation. In part, this lack of sustained and analytical attention is due to its relative newness, even though it is a popular concept among politicians and practitioners. In particular, the literature review in Chapter 1 highlighted an under-appreciated and under-explored analysis of the role civil society actors, especially the roles INGOs, play in the global advocacy of Open Government Data principles and initiatives. In spite of this lack of prominence in the literature, in the past few years, a gradual recognition by scholars of civil society actors as key players, in advocacy and also policy implementation processes, is

slowly expanding behind civil society discussion into an initial wave of scholarly analysis (Linders and Copeland Wilson 2011, Pyrozhenko 2011, Rubinstein 2014).

The impact of ICT, in particular, has produced changes in International civil society organisations, including modes of engagement, of communication between the staff and even their location that limits, even more, the relevancy of traditional definitions and most of the pre-existing literature. The nexus between civil society actors in the OGD area and technology is distinctly in contrast to the relationship between FOI civil society groups and any other factor. This occurs despite the fact that technology exercises different levels of influence in different organisations within the same field. Technological changes, including the possibility of access to raw data in reusable digital format, have created and continue to provide the working foundations and focus for civil society actors in the area of OGD. This symbiotic relationship is not matched in the area of FOI and civil society organisations, even though ICT has produced an impact in the way they operate and interact as well.

On the surface, this disparity in the relationship between civil society groups and technology in the areas of FOI and OGD is difficult to explain. The work of both FOI and OGD movements is based on flows of information from governments to society and vice versa. Therefore, the developments in Information and Communication Technology have clearly had an impact in both fields. As noted by specialists in public

administration Taylor (1998), often it is the impact of ICT on changes in the flow and relationship to information that is the most rewarding to follow and understand. Yet this surface level similarity is displaced when the relationship between ICT and FOI and OGD organisations is examined more closely.

ICT is transforming the way organisations and their members interact, as well as the field of accessing information and data itself. In particular OGD groups are at the forefront as early adopters of these changes, while FOI civil society actors have generally been slow in their uptake and limited in their innovative use of ICT. In some ways ICT for OGD groups provides new opportunities and capacities to transform their work and mission, while for most FOI civil society groups, ICT is merely another and often poorly appreciated tool.

In the case of OGD groups, the influence of ICT presents a double effect. First ICT provides and facilitates the very digital environment that OGD groups are working on. In contrast, until very recently, FOI groups have operated in a largely static and paper based universe (Roberts 2006, Snell and Sebina 2007).

In most cases, working on the FOI agenda have kept their vision unaltered, in the face of new ways to access and use governmental information. In comparison to OGD organisations, many FOI groups adopt a slow pace in adapting to these new formats and very little focus on how the

information can be used. These FOI organisations are mainly focused on the legal aspects of requesting government information without any emphasis on the formats in which that information is released. In this regard, it is also important to consider that most FOI advocate groups have been working in the field at least for two decades. Most groups were established during the 1990's. Most OGD groups are still to reach the decade milestone. This difference is important, as large and established organisations often have limited flexibility to innovate. It is also a key element that helps to understand the differential impact of ICT within organisations in each of the fields.

The background of the current OGD actors is connected to early movements in the technological field, Open Source/Free Software movement and, therefore, the Civic Hackers' culture, which presents a strong liberal influence, which is palpable in the importance given to concepts such as freedom and to the individual.¹⁷⁰ This technological and digital knowledge together with the changes in communications and flow of information within the organisations have all affected the structure and operation of these new OGD groups. ICT is transforming both the way these organisations, and their members, interact and the field of accessing information and data.

While the analysis of the interaction and impact upon FOI of civil society

¹⁷⁰ This culture highly values individual expertise's sharing, it also presents an aversion to bureaucracy with a practical approach to the activities, a 'learn by doing' emphasis, an a strong liberal influence palpable in the importance of freedom and the individual. These elements are further explored in Section 3.1.

groups has been limited, the current explanatory power of civil society research is significantly restricted. Definitions and models of civil society organisations and networks were mostly developed in an era prior to the exponential growth of ICT. The new ICT environment demands revised definitions and models.

In addition to the impact of ICT that differentiates FOI and OGD organisations, the second distinguishing factor is the definition of Open Government Data. Therefore, unlike the FOI field, which is predominately singular in terms of goals, the organisations working in the OGD field present different interests as well as approaches through a large set of activities. This variety poses difficulties in the classification of actors and understanding of the movement as a whole. In this context, the absence of a common set of organising theoretical principles can make it difficult to find connections between these organisations.

This chapter identifies and analyses the new actors, their structure and how their activities relate to the OGD agenda and its diffusion. It also draws some preliminary comparisons between FOI organisations and those in the OGD field.

As mentioned, the OGD is a difficult-to-grasp movement. Therefore, to identify its main international actors, recognised by other organisations working on related topics, the responses to an international Survey, Global

Open Data Initiative (GODI)¹⁷¹ is taken as one of the parameters, together with the organisation and participation in the main events of the community and the main mailing lists. Following those parameters, the most well known international organisations are all members of the Global Open Data Initiative, together with a Latin American NGO and a Centre of Studies in Africa in the field are OKFN, the Web Foundation and, to some extent, the Sunlight Foundation and MySociety. These organisations are assessed in this research.

The classification of, and distinctions among the main international civil society actors allows for the understanding of the actors and their singularities and the capacity to describe the similarities and differences between FOI and OGD. In the last section of this chapter, the main differences between these two sets of organisations are introduced.

2. A BROAD UNIVERSE WORKING ON A SEEMINGLY BROAD TOPIC

The identification of the actors to be included in this research has presented difficulties. Some restrictions were implemented in the selection of the OGD group. After the preliminary observations of existing organisations working on the topic, it was necessary to draw some lines of exclusion in order to present a more accurate analysis. One clear limit set is the geographical scope of the organisations explored in this thesis.

¹⁷¹ More information: <http://globalopendatainitiative.org>

This initiative has not presented any substantial activity since April 2014. The project was initially seed funded by Omidyar Networks, but has not had follow up funding as yet.

Thus, the first clear delimitation is that the organisations included in this thesis are working at the international level, in several countries and more than one region with the capacity/ability to influence the ideas and activities later replicated/translated by domestic actors.

The geographical variable is one of the clearest delimitations of the universe included in this thesis. However, one of the most relevant distinctions to be made relates to the ambiguity of the topic itself. The vagueness of the topic OGD is connected to what Morozov observes, 'Few words in the English language pack as much ambiguity and sexiness as open' (Morozov 2013). In a similar vein, Tkacz (2012) notes that, '[t]he open has become a master category of contemporary political thought. Such is the attraction, but also the ambiguity of openness, that it appears seemingly without tension, without need of clarification or qualification, in writers as diverse as the liberal legal scholar, Lawrence Lessig, and the post-Marxian duo Michael Hardt and Antonio Negri' (Tkacz 2012 p.387).

This ambiguity demonstrates to be the source of the difficulties to clearly identify the actors to be included in this research. These difficulties are closely connected to the myriad of goals and approaches pursued by OGD organisations. These organisations identify digital data in reusable formats as the primary output to achieve a large number of goals from greater transparency, development, business innovation and economic growth. The latter is associated with the idea that OGD has not only been defined as a policy or derived from the right to access governmental information

but also as a chance for entrepreneurs and companies interested in the liberalisation of markets for public sector information (Davies and Edwards 2012) to improve their business conditions (Pollock 2008, Fioretti 2010, Deloitte Analytics 2012).

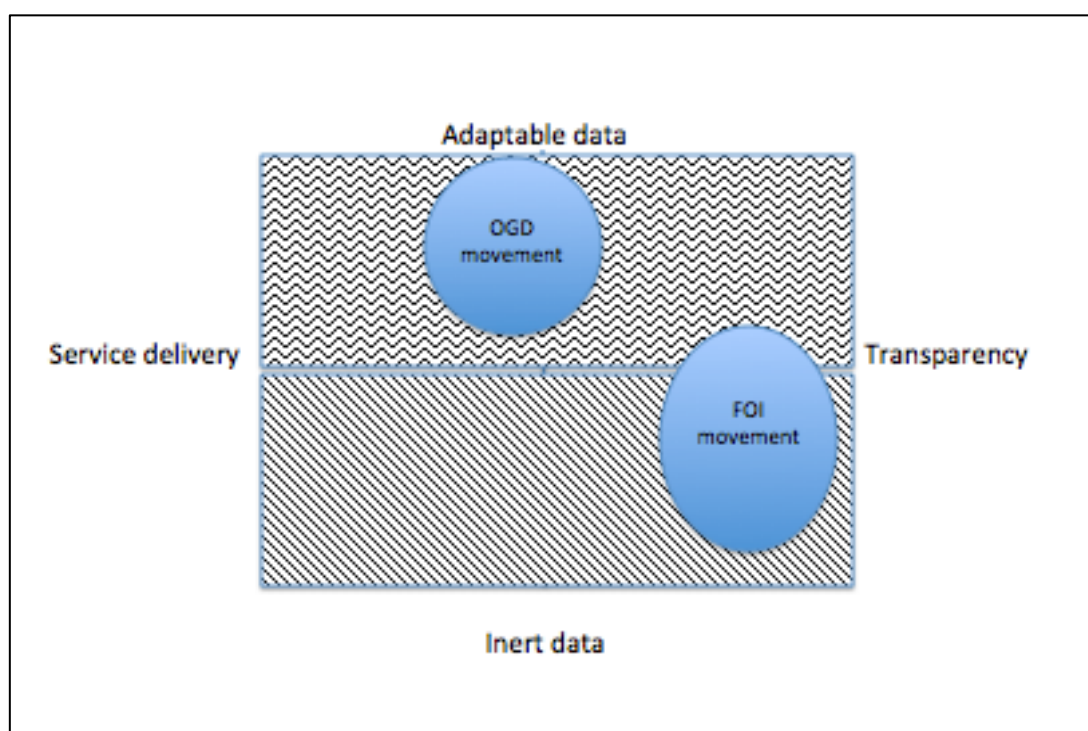
Due to the lack of a unique set of goals and approaches, many sectors are interested in accessing and reusing open government data. As Pollock states, OGD has presented a broader coalition of people who wanted it (Fumega 2013 September 22). Advocates for greater government data openness come from a diverse number of fields. Corporations, academics and programmers are all part of the movement, unlike the recent FOI global movement, which has been a mostly transparency-advocates only field since the beginning.

Even though there is a myriad of anticipated benefits in the disclosure of government data in open formats, Yu and Robinson (2012) suggest they can be placed in the continuum between two main areas, service delivery and transparency as a means to government accountability. Even though Yu and Robinson (2012) apply these distinctions to better understand the differences between open data and open government, the same categories can be utilised to explain the differences not only within the OGD movement but also between the OGD and the FOI movements.

In terms of the use of technology, the difference between both movements is more evident. In that sense, the FOI movement advocates for greater

access to government information and by definition their work should include inert and adaptable data. If data is the raw element to produce a meaningful output known as information, adaptable and inert data should be both the object of FOI advocacy campaigns, however, in practice, their work is mostly focused on access to inert data, or information, for transparency purposes, as shown in Figure 8.

FIGURE 8- Anticipated benefits for OGD and FOI fields



Moreover, despite that the selling point from government to the public, in most cases, is usually related to the idea that Open Government Data helps to achieve greater government transparency (Obama¹⁷² and Gordon

¹⁷² Obama, B. (2009).

Brown¹⁷³, as clear examples), members of the OGD movement are not necessarily working in this line. However, to be able to draw a comparison between organisations from FOI and OGD fields, for this particular thesis, organisations working with OGD as a source for their projects, or that are including greater government data openness as a topic for advocacy and research, have been selected.

After applying first the geographical filter and later the idea that the organisations should use open data disclosed by governments, despite the growing interest in the topic worldwide, the international NGOs working in the field, similarly to the situation in the FOI area, are not numerous.

3. THE NEW KIDS ON THE BLOCK

3.1 Background

A parallel can be drawn between the individual experts advocating for the enactment of legislation on access to information in the first stage of the FOI movement from the 1960s to the 1980s and individual developers working from 1990s onwards with governmental data. Individuals from small domestic civil society groups or from academia in Australia and UK, have an important influence. However, the parallel stops when examining particular roles and the relationship with the data and information. Early FOI advocates were mostly from academia and/or small domestic

¹⁷³ As mentioned in Sifry (2011) p.124.

organisations, in both cases with an emphasis on the legal/regulatory aspects of the field. Individual developers from the 1990s, as well as their predecessors from the broader open source movement were, before any other concern, mostly focusing on the use, actual and possible, of the data.

Beginning in the late 1990s and early 2000s, the first non-government initiatives on OGD did not come from established organisations but were individuals (such as Carl Malamud¹⁷⁴, Joshua Tauberer¹⁷⁵, Tom Steinberg¹⁷⁶, among others) with strong IT background, looking for new ways to apply their skills to public issues. Later, some of them decided to build organisations. They adopted different legal structures from foundations to social enterprises, among others. Examples include MySociety and Public.resource.org or companies such as Civic Impulse LLC¹⁷⁷, which expanded their work to give a structure to their initial ideas. All these individuals were based in the US and UK, which, at least for some time, could be considered the epicentre of the OGD community.

The origins of what it is currently known as OGD has its main roots in the Open Source movement, and not in the FOI field. The Open Source movement originated as a faction of the free software movement promoted by Richard Stallman¹⁷⁸, the founder of the Free Software Foundation. After

¹⁷⁴ Information about Carl Malamud: <http://radar.oreilly.com/carlm>

¹⁷⁵ Information about Joshua Tauberer: <https://razor.occams.info/>

¹⁷⁶ Information about Tom Steinberg: <https://www.mysociety.org/about/team/tom-steinberg/>

¹⁷⁷ Civic Impulse website: <http://www.civicimpulse.com>

¹⁷⁸ Richard Stallman's website: <https://stallman.org>

differences over the possibility of attracting commercial business support, it took its own direction away from Stallman's leadership. In the late 1990's the Open Source became a movement on its own (Elliott and Scacchi 2008, Morozov 2013).

In the late 1990s the Open Source movement, a term promoted by technologist O'Reilly¹⁷⁹ and based on ideas by Raymond¹⁸⁰ and the Open Source Initiative, among other developers, was presented as a technological non-partisan movement emphasising the ideas of innovation and efficiency (Morozov 2013). A few years later, the prefix of the concept, also popularised¹⁸¹ by O'Reilly (2005), of Web 2.0, was translated to many fields, including government, to denote a sign of a new paradigm where collaboration and participation are the main ingredients. The links between technology and democratic principles became evident, even more with the later concept of Government 2.0. At that stage, most of OGD organisations were already taking their first steps.

The linkages between Open Source and the OGD movement became publicly identifiable in 2007 with the Open Government Working Group meeting in Sebastopol, California. The meeting is one of the main events in the early days of the OGD movement. In December 2007, 30

¹⁷⁹ According to the Open Source Initiative (<http://opensource.org/history>), the 'open source' label was conceived at a strategy session that was held on February 3, 1998 in Palo Alto, California and on April 8 of the same year, the attendees of Tim O'Reilly's Free Software Summit voted to promote the use of the term.

¹⁸⁰ One of the main recounts of the early days of the open source movement is the 1997's paper by Eric S Raymond, later published in 1999 as a book named "The Cathedral and the Bazaar". In that text, Raymond suggests the bazaar model for software development. All software should be developed using the bazaar style, which he described as 'a great babbling bazaar of differing agendas and approaches'.

¹⁸¹ The term was first mentioned in 1999 by Darcy DiNucci. (DiNucci 1999)

developers met to develop the key requirements/principles of OGD, even though the stated purpose of the meeting was to define the principles of Open Government.¹⁸² These principles¹⁸³, to define just OGD, and not Open Government, emphasised the need for easily accessible, machine-processable and highly reusable data. It is important to highlight that some of the most popular names in the field were in attendance at that meeting and it was partially funded by the Sunlight Foundation.¹⁸⁴ Most of the organisations participating in that meeting were founded only two or three years prior to that event. Even though all organisations started as domestic-oriented groups, some of those organisations are the leading current international groups in the field.

The emphasis on efficiency and innovation coming from the Open Source movement, and the linkages to the knowledge economy, had an influence on the OGD advocates, far from the rights-based arguments of the FOI movement, as shown in Figure 9. One of the first academic papers on the topic highlighted the need for governments to open their data to allow third parties to make use of it, as they proved to be willing and able to build useful new tools and services on top of government data. ‘Government must provide data, but we argue that Web sites that provide interactive access for the public can best be built by private parties’ (Robinson, Yu,

¹⁸² The mix of the concept of open government data and open data is evident in these early days. Later discussed and better defined by Yu and Robinson (2012)

¹⁸³ Eight OGD principles established at the Sebastopol meeting:
https://public.resource.org/8_principles.html

¹⁸⁴ Message from Carl Malamud to the attendees of the Open Government Working Group Meeting in Sebastopol, CA:
https://public.resource.org/open_government_meeting.html

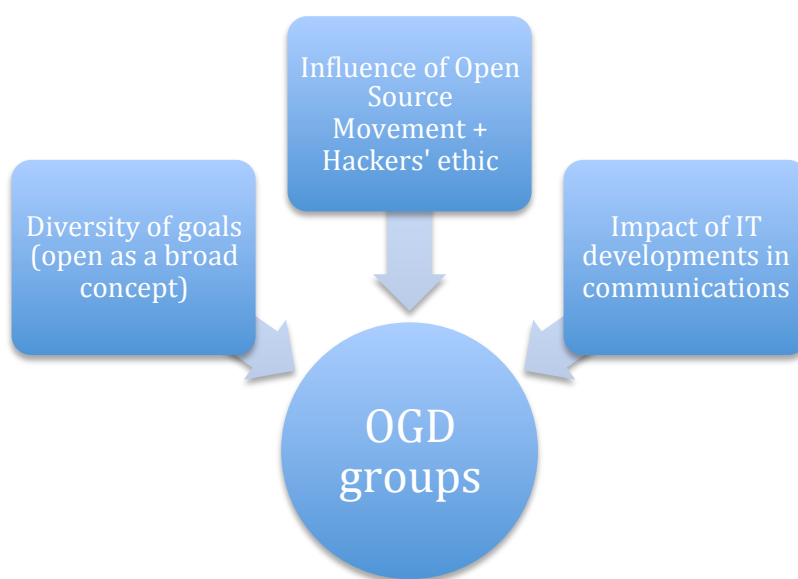
et al. 2009 p.171). The following year, Berners Lee and Shadbolt, following O'Reilly's previous concept of 'government as a platform' (O'Reilly 2005), similarly stress, in the "Our manifesto for government data", the importance of innovation: '...It's not our job to say where data might be useful; it's our job to unleash it and allow businesses and independent developers to build innovative services which they can then deliver to users' (Berners-Lee and Shadbolt 2010, January 21).

This engagement with the use of data clearly relates to Coleman (2011) and Best (2003) statements about the political ethos of hackers as well as their engagement with the data. As Coleman notes, '[h]ackers' politics, however, far exceed traditional liberal articulations, such as those of freedom of speech. Their politics convey other messages and are fundamentally grounded in acting through building' (Coleman 2011 p.514). Similarly Bates observes that '[o]ld school hackers are interested in securing active access to information because of their commitment to open source code. The code itself as information is never the ultimate goal, but instead the ability to actively change, alter and improve that code and its informational value. This active access needs to be free (in the sense of available), and equal (as most improvements will take place through the networking of all willing and skilled participants)' (Best 2003 p.270).

These two statements are related to the active engagement of the OGD community with data and information but there is another characteristic

surfacing from those ideas. Both communities, FOI and OGD, are rooted, despite their own particularities, in a set of liberal principles, however, they differ in the practice and tools to achieve these principles.

FIGURE 9- Diversity of influences



All of the international organisations working in the OGD field present, in some way or another, some degree of influence from the Open Source movement.¹⁸⁵ There are differences in how these organisations embrace their ideals and include them into their own mission and programmes.

3.2 Groups

A new wave of organisations arose in the early years of the 21st century. These groups have started their organisational life in the light of the new

¹⁸⁵ Many of those organisations were in attendance at the Sebastopol meeting, which shows the convergences between both movements.

developments in ICT, and its repercussions on governmental information. As mentioned, the people building those new organisations were knowledgeable coders, in the technical aspects of these new developments in ICT. Therefore their projects and activities have received the influence of ICT tools since the early days of their organisational lifespan, unlike the work of the FOI organisations, which are currently adjusting to the new developments. As one interviewee notes, '[t]he internet and new digital technologies have had and will continue to have a huge impact on the way that knowledge is disseminated in society' (The Guardian 2010, June 24).

Pollock's view presents a clear correlation with the work of the organisation he helped to found. Inspired by the mainstream success of the Open Source movement and his research on the potential economic value in opening up data, and the knowledge economy, Pollock brought this pragmatic model into the field of data and knowledge, through the creation of Open Knowledge (OKFN), formerly known as Open Knowledge Foundation. They currently define themselves as a network, despite that they are a non-for-profit organisation and a company limited by guarantee, in the legal sense.

OKFN is a clear example of the structure and focus of a new type of organisation even though it is not exclusive to this OGD movement. Not only its agenda but also the whole organisation is a reflection of the impact of ICT in all aspects of life. Similar features are shown in different degrees

in the other organisations selected for this thesis, as shown in Table 9. Without these ICT developments, the idea of accessing and reusing government data in open formats would be unthinkable. In a similar vein, the structure and projects of OKFN would be impossible without these ICT tools.

Table 9. Summary of history and main elements behind each organisation

Open Knowledge (formerly known as Open Knowledge Foundation) is a non-profit organisation that promotes open knowledge, including open content and open data. It was founded in May 2004 in Cambridge, United Kingdom. One of its founders, and current director, is Rufus Pollock. He holds a PhD in Economics from Cambridge University. According to his own personal website, he ‘has worked extensively as a scholar, activist and technologist on the social, legal and technical challenges around the creation and sharing of knowledge’¹⁸⁶

Sunlight Foundation is the group more oriented towards transparency-advocacy of this set of organisations, but still with a strong influence from information technology, as shown in the composition of its board of directors as well as the advisory board. It is an American nonpartisan non-profit organisation founded in April 2006 by Ellen S. Miller and Michael R. Klein. Ellen Miller was, until she officially announced her retirement at the Transparency Camp 2014, the Executive Director of the organisation. She is a renowned transparency advocate, in particular about political campaign finances, in Washington, DC. Although this organisation cannot be classified as a core Open Government Data, it still offers a useful model for research, mainly because the main objective is the use of ICT to achieve greater government transparency and Open Government Data is a means to achieve their primary goals and not their main interest. However, the repercussions that their international work present as well as the participation in international Open Data initiatives such as the GODI, make them a subject impossible to ignore in this field.

The **World Wide Web Foundation** is the newest addition to this group. Sir Tim Berners Lee, the creator of the World Wide Web, founded this organisation in November 2009. The group is a registered charity in Switzerland and the USA, according to its website. However in 2013 they started the process to dissolve the Swiss office.

One of their main goals is to ‘promote the right to an affordable, universal and uncensored Web through research, advocacy and campaigning at global, national, regional and local levels’¹⁸⁷. However, the connection they make between Web technologies as a vital element for democracy allows them to expand their work into to use the Web to enhance participation and accountability. Their work on open government data is based on this last statement.

MySociety is currently a not-for-profit social enterprise and a project of the UK-based registered charity UK Citizens Online Democracy (UKCOD). It was founded by Tom Steinberg, and inspired by James Crabtree, in September 2003. MySociety

¹⁸⁶ Information about Rufus Pollock: <http://rufuspollock.org/about/>

¹⁸⁷ Extracted from the Web Index Website: <http://thewebindex.org/about/> One of the main projects of the Web Foundation.

is one of the international leading organisations in the e-democracy area. E-democracy from civil society, in many cases, implies the need to access data from government to build the applications. Thus, these groups are not advocating for open data, in a traditional sense, but mostly trying to provide a service to citizens to help them hold their government accountable for their actions. MySociety's main goal is to build websites and tools that provide tangible benefits to individuals, using public information. Since its creation, this British group has set up numerous websites using public data and information that allow people to access to valuable data in different areas. Some examples of those websites are the well-known WriteToThem.com, PledgeBank.com, HearFromYourMP.com, [No 10 Downing Street Petitions Website](http://No10DowningStreetPetitionsWebsite) (<http://petitions.number10.gov.uk>), FixMyStreet.com, theyworkforyou.com, and [WhatDoTheyKnow .com](http://WhatDoTheyKnow.com). In 2009 they started to collaborate internationally with some other groups in Central and Eastern Europe. In 2010 one of their main projects was replicated. The first project was the New Zealand version of Whatdotheyknow. Alaveteli software was later replicated in numerous countries. In 2011 MySociety officially launched their international programme. In 2015 Tom Steinberg, co-creator of the organisations, stepped down as Executive Director.

The dominance of these four organisations in this field is undeniable. Some of the most tangible examples are the responses of many local organisations in different regions to the Global Open Data Initiative (GODI) survey. Some of those organisations use the OKFN definition as the standard definition for Open Data (Open Knowledge Foundation 2009). Other participants in the GODI survey mentioned the ten open data principles of the Sunlight Foundation as their guiding principles to define the concept. Many also mentioned these two organisations' emailing lists as a source of information and networking on the topic. The Web Foundation, on the other side, was acknowledged by the groups that are participating in one of their own research programs 'Exploring the emerging impacts of open data in developing countries' (ODDC)¹⁸⁸.

¹⁸⁸ Website of the 'Exploring the emerging impacts of open data in developing countries' programme <http://www.opendataresearch.org/emergingimpacts>

The predominance of OKFN is also shown by the participation in the events the OGD movement organise in the forms of Conferences and Festivals. OKFN events are among the most important events of the community (more than a thousand tickets were sold during the Open Knowledge Festival 2014, OKFest14, in Berlin). The Transparency Camp, organised each year by the Sunlight Foundation, is another popular event for the community¹⁸⁹. In comparison with the main events of the FOI community such as the International Conference of Information Commissioners (ICIC), OKFN and Sunlights' events present a more relaxed environment. They mostly build their agenda around the proposals of the participants and some of them present an 'unconference'¹⁹⁰ format. As well, the websites developed by MySociety were replicated in many countries around the world. On a different note, the Web Foundation, whose attraction is that it benefits from having Sir Berners Lee as the founder, managed to create a research network of specialists on the topic around the world to provide insights on the impacts on developing countries, in the first stage, and later it led to the establishment of a permanent lab in South Asia and a possible future lab in Africa¹⁹¹.

In the next sections, the background, orientation, strategies and structure of these new actors and organisations are explored according to the categories of content, engagement and structure.

¹⁸⁹ According to the Sunlight Foundation, the first Tcamp in 2009 brought 100 participants, approximately. Most of those participants were local (US). In 2014, the same event brought together around 400 specialists and enthusiasts from 27 different countries (McCann 2012, May 4). More information in Section 6.

¹⁹⁰ For more information on the unconference format, see: Bagley, R. (2014, August, 18)

¹⁹¹ Web Foundation Labs' website: <http://labs.webfoundation.org/>

4. CONTENT

As mentioned in Chapter 3, the topic on which organisations work, as well as the approach to this topic, allows for a greater comprehension of these actors. The diversity of goals and drivers behind the OGD movement is clearly portrayed in the variety and breadth of goals these organisations pursue. The analysis of topic and approaches provides important distinction to understand the actors in the OGD ecosystem.

To analyse the wide range of topics these organisations focus on is not an easy task, because, unlike FOI advocates, which mostly focus on greater government transparency, OGD actors cover many related topics with a large variety of approaches. In that sense, examining the organisational missions that all actors claim as their main goal, reveals that almost none of them explicitly mention the notion of OGD, in contrast to FOI organisations, reviewed in Chapter 4, which include some sort of reference to the field, even though sometimes they approach FOI as the centre of their activities and sometimes as a tool to achieve other goals, e.g. Transparency International's emphasis on the access to government information aimed to curb corruption.¹⁹² However, in practice, they are all working in one way or the other in the OGD field. Organisational mission statements for these main actors follow:

¹⁹² More information in Chapter 4, Section 4.

- **OKFN** It is a 'worldwide non-profit network of people passionate about openness, using advocacy, technology and training to unlock information and enable people to work with it to create and share knowledge' (Open Knowledge official website¹⁹³).
- **Web Foundation** It seeks 'to establish the open Web as a global public good and a basic right, ensuring that everyone can access and use it freely' (Web Foundation official website¹⁹⁴).
- **Sunlight Foundation** It 'advocates for open government globally and uses technology to make government more accountable to all' (Sunlight Foundation official website¹⁹⁵).
- **MySociety** It is an organisation focused on creating and 'popularising digital tools that enable citizens to exert power over institutions and decision makers' (My Society official website¹⁹⁶).

From looking at most of these mission statements, little can be said about their work and commitment to the OGD agenda. None of these organisations explicitly include the term OGD or Open Data to describe their main goals. This is partially explained because OGD is a tool to achieve other goals. In that sense, data can be used, depending on the implementation, to inform decisions, to enhance participation, as an output

¹⁹³ Open Knowledge official website: <https://okfn.org/>

¹⁹⁴ Web Foundation official website: <http://webfoundation.org/>

¹⁹⁵ Sunlight Foundation official website: <http://sunlightfoundation.com/>

¹⁹⁶ My Society official website: <https://www.mysociety.org/>

for business as well as organised civil society and individuals. This relates to the breadth of the concept as well as the diversity of interests and actors related to the government data, already mentioned.

Some of those statements implicitly include the notion of OGD, e.g., OKFN (unlock information), and Sunlight Foundation ('open government', with open data one of the main tools to achieve that goal) and present a mission closely related to this agenda. However, to better understand why these organisations are said to be at the forefront and how these global actors relate to the OGD agenda, it is necessary to focus on their approach as well as their activities and programs.

One of the main explanations for the lack of an explicit mention of the concept of OGD in their statements could be related to the idea that OGD is not a goal in itself but a tool to achieve other broader goals. In the case of FOI organisations, the rights based approach is, especially in the last 20 years, the predominant approach but purpose driven agendas have always been present – e.g. in Europe FOI was seen as essential to provide citizens with data on pollution or to make informed challenges to road building and other built environment proposals.

4.1 Approach

Because of the difficulties posed by this group of OGD actors, primarily due to changes made by ICT developments in the topic and structure as well as the broadness of the concept of open data, some variables need to

be identified to attempt a clearer classification. In that sense, Linders and Copeland Wilson (2011) provide some insights with their analysis of a group of US organisations working on the Open Government agenda. Despite the fact that American organisations working on both agendas, FOI as well as OGD, are included in their sample, the same categories (transparency, technology and e-democracy) can be applied to better understand the organisations working in the OGD field, mainly due to the ambiguity of the Open Government concept and also because of the strong emphasis that American Open Government directive places on technical aspects.

Adapting Linders and Copeland Wilson (2011) framework, civil society organisations working in the OGD field can be grouped in three categories:

- **Transparency.** This category is the most related to the approach that actors in the FOI movement pursue when advocating for greater access to government information. However there are some actors working with OGD, which present transparency as the main goal of their activities and as an output towards greater government accountability. For these actors the accent is not on the tools to access and use the data but on the specific results allowing people demanding accountability from their government officials, e.g. Sunlight Foundation

- **Technology.** These actors are most influenced by the Open Source movement. This group of organisations also presents a closer relationship with the ideas of innovation and efficiency brought by the knowledge economy and imprinted in the Open Source movement. This approach is also related to a broader set of goals pursued by the use of government data, i.e., beyond mere transparency and accountability as with the previous group. These goals include, among others, economic growth and innovation in a wide range of sectors. This sector emphasises the technology and the tools to use the data, not merely the anticipated benefits as well as the notion of the ‘do it yourself’ of the hackers’ culture, e.g. OKFN and, to some degree, the Web Foundation.
- **E-Democracy¹⁹⁷/civic tools.** This last group is mostly integrated by those organisations reusing open government data to build civic tools. These organisations are mostly interested in the reuse of open data. In most cases, they do not advocate for greater openness or accountability but they are focused on building tools to enhance people’s participation as well as gathering data (feedback, reports, monitoring) from the citizens on public issues e.g. Mysociety

None of the categories are exclusive in this universe of actors. All the organisations present some programs that could be included in some of

¹⁹⁷ According to an American organisation ‘E-democracy’, the term was coined by its founder, Steven Clift, in 1994: <http://forums.e-democracy.org/about/people/>

the other categories, even more when they work together on a project, as often happens. However, in each of these groups one of the approaches prevails over the others. The structure, engagement and skills of the staff are related to that approach and to the work. Each group's particular approach is related, in most cases, to the background of its founder members. These points are developed in the next section of this chapter.

4.2 Activities

Classification is the first step to better understand these OGD groups. Examining the groups' programs and activities, produces a clearer understanding of their relationship to the OGD agenda.

According to the activities these organisations engage in and promote, all of their websites and reports include the OGD agenda, in some way. However, they approach the topic from a variety of perspectives. As the large amount of activities do not allow a clear idea about the position these organisations have in the OGD ecosystem, they can be grouped into two main clusters: 1) research and advocacy; and 2) civic tools including building services websites and offering technical services.

1) Research and advocacy

Research (not led by a University or Academic Centre)

- Knowledge development: Web Foundation's ODDC programme
- Standard settings and licences:

- i. Open Knowledge's Open Data Handbook as well as Open data Commons and Open Definition;
 - ii. Sunlight's Open Data Policy Guidelines; as well as
 - iii. Web Foundation's Open Contracting Data Standard.
- Development of rankings and measurements:
 - i. Open Knowledge's Open Data Index; and
 - ii. Web Foundation's Open Data Barometer.

Advocacy

- Public campaigns:
 - i. Sunlight Foundation's US Campaign finance and transparency;
 - ii. OKFN's Stop Secret Contracts global campaign; and
 - iii. Follow the Money campaign run by OKFN and ONE and jointly by Sunlight Foundation among many other global partners.

2) Civic tools

Technical

- Software development: Open Knowledge's CKAN;
- Technical assistance:
 - i. OKFN's assistance to governments, CKAN data management software, used by data.gov.uk and many others; and
- My Society's assistance to build Access to Information digital websites for local governments, among others.

- Capacity building:
 - i. Open Knowledge's School of Data; and
 - ii. Sunlight Academy from the Sunlight Foundation.

Services (e-democracy- open data as a resource for their projects or as a result of these platforms)

- Transparency-focused websites as well as Data-Driven Journalism initiatives, tracking and judging the performance of government and public institutions.
 - i. OKFN's Where Does My Money Go?
 - ii. Most of Sunlight Foundation's apps and projects;
 - iii. MySociety's websites such as whatdotheyknow.org,
- Public Service delivery applications and websites in different thematic areas, tools and apps that run on government data or the data they scrapped from government websites: MySociety's websites such as [Fixmystreet](http://Fixmystreet.com), among others.

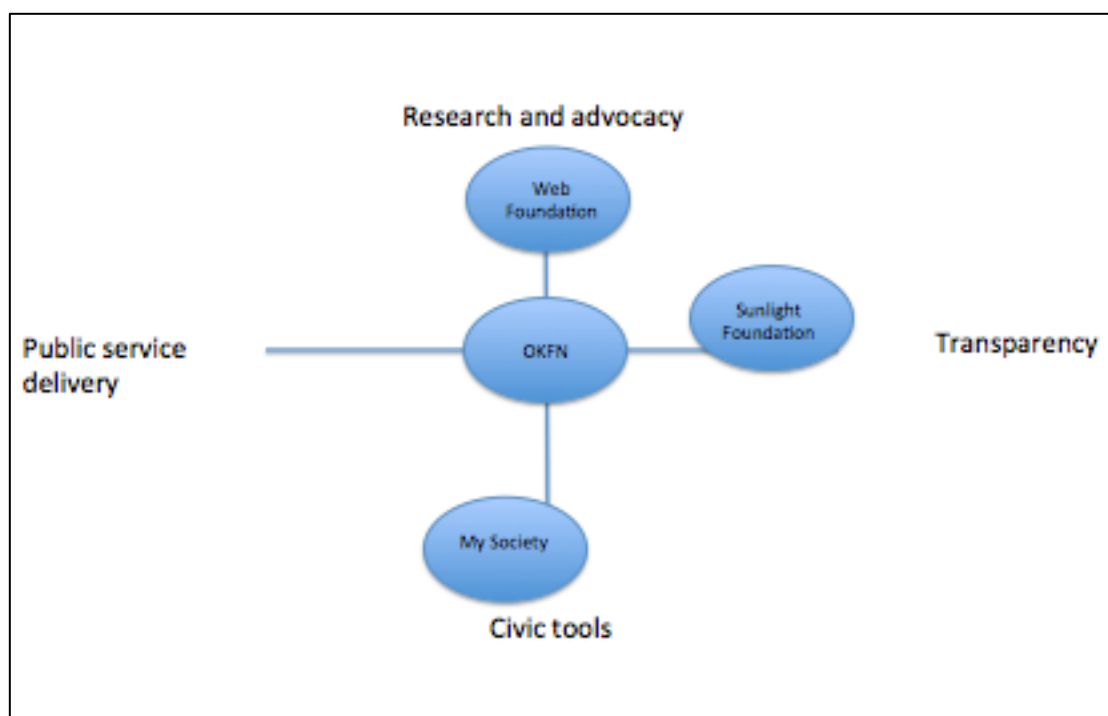
In most cases, the organisations play different roles depending on the activity/project they are developing. However, despite that these are overlapping categories, one of them generally predominates in each of the activities, as shown in Table 10.

TABLE 10. Expected benefits from the disclosure and use and the activities of these NGOs

		Approach		
Activities		Transparency	Technology	Civic tools
	Research		Web Foundation	
	Advocacy	Sunlight	OKFN	
	Technical		OKFN	MySociety
	Services	Sunlight	OKFN	MySociety

Applying the framework by Linders and Copeland Wilson (2011) to the activities these organisations design and implement, the graphic represented in Figure 10 approximates their location in this ecosystem.

FIGURE 10. Graphical representation of the expected benefits from the disclosure and use and the activities of these NGOs



5. STRUCTURE

The main variables that are visibly affected by changes and developments in technology are the structure of the organisation, as explored in Chapter 7, as well as the way in which they engage with other stakeholders. Thus, as Table 11 shows, OGD organisations present a more flexible organisational structure compared to their counterparts in the FOI field. This flexibility is mostly related to the virtuality of the workplace, which arises from the ICT impact in communications and the key role of coders in the activities, bringing the hacker¹⁹⁸ culture to their workplace. As Best notes, ‘...hacking’s implicit challenge is about the actual ability to actively access information by understanding technology’ (Best 2003 p.268).

The features provided by the influence of technological developments to communication and interaction between organisations and persons do not present mysteries at all. Currently, communications are mostly mediated by technology while face-to-face interactions are mostly reserved for the organised gatherings such as conferences and other events. On the other side, the influence of the hackers’ culture requires some explanation.

What is known as hackers ethic or hackers culture¹⁹⁹- some authors, such

¹⁹⁸ According to the Jargon File (an influential compendium of hacker slang) by Eric Raymond (key contributor to the Open Source movement), the term ‘hacker’ seems to have been first adopted as a badge in the 1960s by the hacker culture surrounding TMRC and the MIT AI Lab. See Raymond (2003b).

¹⁹⁹ ‘As Douglas Thomas (2000) explains, the old hacker culture was established within universities in America from the 1950s to the 1970s; hacking was a privileged activity, relying heavily on university resources. Perhaps in recognition of this privilege, old school hackers embraced the philosophy that access to technology and information should be free and unlimited. Technology and information were, indeed, becoming increasingly

as Kirkpatrick (2004) go to the extreme to call it a worldview- permeates these organisations in different degrees. Those organisations closely relate to the open source movement and where hackers are key players, seem to be more closely related to this spirit. According to Eric Raymond, and his Jargon File, hackers tend to value information-sharing as a powerful positive good, and that it is an ethical duty of hackers to share their expertise by writing open-source code and facilitating access to information and to computing resources wherever possible (Raymond 2003). According to this statement, not much differentiates a hacker from a transparency advocate, besides the tools, both legal and IT tools. As Coleman (2011) notes,

The language hackers and geeks frequently invoke to describe themselves or formulate political claims includes words and expressions like freedom, free speech, privacy, the individual, and meritocracy. This tendency is revealing in that many hackers and geeks unmistakably embrace liberal visions and sensibilities. 'We believe in freedom of speech, the right to explore and learn by doing,' and, explains one hacker editorial, 'the tremendous power of the individual.' Coleman (2011 p.513)

There are other characteristics that impact on the structure of these organisations. Stallman, for example, observes, '[h]ackers never had much respect for bureaucratic restrictions' (Stallman 2002). In that sense,

central to the construction of freedom in contemporary culture. The old hacking culture also valorised ingenuity, exploration, creativity and the ability to hack around a problem.' (Best 2003)

even though the usual description of the early hackers in the 1960s and 1970s (Turkle 1997, Himanen, 2001, Kirkpatrick 2004) seems extreme by current standards, some of the ideas of a 'passionate and freely rhythmmed work'²⁰⁰, (Himanen, 2001) still persists in some of the OGD organisations, in particular those groups more influenced by the Open Source/Free Software movement. In that sense, some of these organisations in particular OKFN and Web Foundation do not perform their daily tasks in one particular location. Most of the people in these organisations work in different geographical location and schedules.

TABLE 11. Summary of structures

Structure	
FOI international organisations	<p>Traditional: Head quarters with different engagement structures:</p> <ul style="list-style-type: none"> • Local offices in other countries • Chapters (autonomous organisations) • Occasional partners depending on the project
OGD international organisations	<p>More flexile structure in terms of geographical location and schedules.</p> <p>As growing organisations they are currently adopting more traditional structures:</p> <ul style="list-style-type: none"> • Local offices in other countries • Chapters (autonomous organisations) • Occasional partners depending on the project <p>However with some of that flexibility, which is part of the developers' idiosyncrasy</p>

²⁰⁰ "... new school hacking culture, which Thomas suggests arose in the 1980s, subscribes to similar principles: that information should be free, authority mistrusted, and curiosity satisfied. These are, indeed, the first three principles of hacking given in Steven Levy's (1984) much-quoted book, *Hackers: Heroes of the Computer Revolution*. Although these principles have been quoted ad infinitum by the new hackers, it is important to note that Levy was, in fact describing the hacking culture of the old school. Levy's principles can be considered, then, as emblematic of both cultures. (Best 2003 p.267)

The impact of ICT and the hackers' spirit closely relate to the way the staff of these organisations are organised and how they communicate with each other. In that sense, OKFN, Web Foundation and MySociety, which are pursuing technical-related goals, and were founded by technical-oriented people (such as Berners Lee, Pollock and Steinberg), are generally structured in a remote way based on telework. Sunlight Foundation, a transparency-oriented organisation, presents a more traditional approach. The employees work from a single unified office, located in Washington DC. It shows a similar structure as those organisations working in FOI diffusion since the mid 1990s. A clear example is the location of staff members at the different teams or the whole organisation working on the topic. For example, on one side, the manager, until December 2015, of the international team at the Sunlight Foundation, Julia Keserű, needed to move from Hungary, where she worked for a Transparency International chapter, to the US to be in charge of the team. On the other side, the Open Data Manager at the Web Foundation, Jose Maria Alonso, is based in Spain, where he worked in close collaboration with former Research Manager, Tim Davies, based in the UK. The current Research Manager, Savita Bailur is also based in the UK. The Web Foundation also has staff in the US, the UK, Indonesia or South Africa. In the case of the OKFN, the staffs are based in different cities around the world, mostly in Europe.

The flexibility and innovation, which most of these organisations portray as organisational values, need to be adapted constantly as these

organisations grow. Thus, while they are currently adopting more traditional structures, they still exhibit a flexible approach. Thus, OKFN with more than 40 staff members and consultants, Web Foundation with more than 25 staff members and consultants, Sunlight Foundation with more than 40 staff members and consultants and MySociety currently employing around 25 professionals, many of them coders, are all medium size organisations with a growing number of staff.

All four organisations rely on volunteer members mainly when they organise events. OKFest, Transparency Camp as well as the ODDC public sharing event relied, during 2014, on a different number of volunteers depending on the scale of the event. OKFest in 2014, for example relied on hundreds of volunteers to help with the logistics. Similarly, dozens of volunteers participated in the Transparency Camp 2014, while in the case of the ODDC meeting, a couple of volunteers helped with the note taking.

For core activities, all of these organisations employ highly professional staff with different skills depending on the goal of the organisation and the particular team. The skills of these professional staff as well as the organisational structure of each of these groups reflects the impact of ICT and the mission they pursue. Thus, Sunlight Foundation presents a larger number of policy and transparency experts while the hackers ethic is, in some way, encapsulated in the Sunlight Lab. In Open Knowledge, the number of staff with a coder background at different levels predominates.

In the Web Foundation, there is a mix of skills needed; in particular because they have technical, policy and research oriented staff.

In terms of funding, most organisations rely on private, public or corporate donors. For example, the Web Foundation received an initial seed grant from Knight Foundation, while in the case of the Sunlight Foundation the initial funding came from individual donations. However, some of these new organisations, in particular OKFN (as well as My Society in the e-democracy field) needed, at an early stage, to pursue their own sources of revenue. Some of them, such as MySociety, are legally structured as social enterprises. The topic did not get much funding from multilateral organisations. It focused on poverty reduction and/or the fight against corruption, which were the main sources of income of transparency-oriented civil society organisations. At that time, only a few donor-foundations focused on technology and innovation²⁰¹ were willing to provide some funding to these new groups. In that sense, some of these groups started by providing their services to governments and other organisations (CKAN is a clear example for OKFN). This organisation has received income for the customisation of their open source platform from different governments around the world. The income generated by those services is easily identifiable in OKFN accounts reports²⁰².

²⁰¹ Like Omydar and Knight Foundation, among others.

²⁰² In those publicly available documents a significant difference in the resources of the organisation can be identified between the years 2009 and 2010.

6. ENGAGEMENT

These international actors do not work in a vacuum to achieve their missions. They need to engage in different activities with a diverse range of actors. The differences in how these actors collaborate with others depend on their main activity, audience, and, of course, their partnership arrangements. Thus, one of the main points in the analysis of these new international actors relates to the way they engage with other actors, domestic civil society actors, in particular but not exclusively, in order to promote the OGD agenda. This is so because communications are mostly mediated by technology.

One area of analysis that is unaffected by developments in ICT and that presents similarities with the FOI groups is the targeted audience. In that sense, there is not much distinction to make, as organisations working on government-related topics are working for third parties and not only for their own members. That is so, not only because of the funding structure as they do not rely on membership fees but also because of the public nature of their goals. All of them focus on topics that benefit the whole society and not only the people working with them or close to them. In this sense, the reuse of open government data has implications that affect a whole society. The applications and websites built by these organisations, and their close collaborators, have been used by a large group of people. Some of those who benefit from use of the applications in their daily lives, have never heard of the principles of OGD and/or the idea that without that

raw input, known as open data, most of those applications are impossible to build.

Two of these organisations started their organisational life with a strong international approach. The Web Foundation, the group founded by Sir Berners Lee, was shaped as a global association from the moment of its creation in 2009. This global approach is a reflection of its main topic of concern, the World Wide Web. This relationship between the topic and their reach is clearly stated in their mission: 'We seek to establish the open Web as a global public good and a basic right, ensuring that everyone can access and use it freely' (Web Foundation official website²⁰³).

In the case of OKFN, there is a difference in regard to the global approach of the Web Foundation. Even though the activities that OKFN developed from the beginning encompassed a universal impact -such as the Open Definition or, CKAN- the organisation kept, especially in early years, a close relationship with the work of the British government as well as other local concerns, e.g., The British open data portal runs over a CKAN platform, and also the first 'Where Does My Money Go?' website was created to 'promote transparency and citizen engagement through the analysis and visualisation of information about UK public spending'²⁰⁴.

Unlike those two organisations, which, despite their differences, had an international imprint from the beginning, the Sunlight Foundation started

²⁰³ <http://webfoundation.org/>

²⁰⁴ <http://wheredoesmymoneygo.org/about.html>

their work focusing solely on the U.S. Congress (Sunlight Foundation official website²⁰⁵). Throughout their few years of existence, they expanded their work on open government to cover local, state, federal as well as the international level (Ferris 2014). However, the strong focus on domestic issues is shown in their structure. They currently include a specific international program, working on global open data projects, among others, in charge, among other things, of providing a more diverse and international component to the Transparency Camps they organise each year. The event in 2014 involved the largest number of international participants since 2009 (Gregor 2014 June 23). However, in 2015 they scaled back to a more reduced and local audience, despite having the presence of some international participants. MySociety presents a similar background. It started as a British organisation to create websites aimed at enhancing public participation and engagement. However, the popularity of their tools helped them to expand their work into other countries.

Regarding the engagement of these international organisations²⁰⁶, there are some distinctions to be made. There is an array of cooperation models between the organisations that helps to understand the mechanism by which different groups translate/transfer the ideas and principles they are pursuing, as shown in Table 12. The main international organisations in the field establish different models of partnerships with other groups

²⁰⁵ <http://sunlightfoundation.com/>

²⁰⁶ Even though they present differences, they are all working in the international arena

working at the national or community level, as well as the international domain.

ICT is another important factor that affects the way in which these organisations interact with other actors. The OGD movement would not be possible without ICT developments. The way these organisations are structured, internally and in regard to other actors, would be unthinkable without ICT. Technology has thus changed the way people interact with each other, as well as how information flows.

ICT developments have transformed the way many people interact with each other and with their surroundings. However, as the theories of a global interconnected society, such as the Information Society, Network Society and Global Society, are not universally valid, neither are the powers of ICT. However, all the analysed actors in this chapter are highly influenced by ICT. They are middle size organisations founded in developed countries, composed of highly skilled members.

TABLE 12. External structure

Organisation	External structure		Examples
OKFN	Chapters, groups and ambassadors	local and	9 official chapter, according to OKFN website and more that 40 local groups
Sunlight Foundation	Temporal depending projects	allies on	Global Integrity and Electoral Integrity Project for Follow the Money, Politics and Transparency Project. Transparency International for the Sunlight Academy.

Web Foundation	Offices and Labs in other countries as well as temporal allies depending on projects	Jakarta Lab. Occasional partners for ODDC network, among other projects
MySociety	Temporal allies depending on projects	Poplus is an international project founded by MySociety together with a Chilean organisation, Smart Citizen Foundation. It aims to promote “the sharing of software for civic and democratic purposes.” Poplus Components are “independent pieces of software developed to solve a range of common problems encountered when building civic and democratic websites”, such as Sayit, Mapit and Billit, among others)

As shown in Table 12, each of these organisations presents a different modality of interaction with other civil society actors. Some generally work with selected partners in the Global South, some are part of thematically related networks, others collaborate with temporal allies depending on the project they are engaged in, and in some cases, they also build offices in other countries to expand their lines of work. In that sense, there is not much innovation in each of the ways these organisations connect with other, mostly domestic partners.

The Open Knowledge Network is made up of Local Organisers, Local Groups with Ambassadors, and Chapters. ‘We are a growing global network, with groups in more than 40 countries.’²⁰⁷ It has nine official chapters, according to OKFN website and more that 40 local groups. This

²⁰⁷ See OKFN website: <https://okfn.org/network/>

modality of interaction based on external chapters with a franchise has been implemented already by other organisations in other fields, some from the transparency field such as Transparency International. The difference that the OKFN structure presents is related to a more democratic, horizontal structure so anybody can potentially become an ambassador and, in a later stage, a chapter.

TABLE 13. Differences in collaboration

	Collaboration
FOI international organisations	Traditional collaboration arrangements: <ul style="list-style-type: none"> • For examples, consultancies for domestication of principles;
OGD international organisations	Traditional collaboration arrangements <ul style="list-style-type: none"> • For examples, consultancies for domestication of principles; As well as more flexible and open collaborations, coming from the background of the open source movement.

The Sunlight Foundation has a more traditional approach to the interaction with external actors. Their headquarters are located in Washington DC and they do not have a physical presence in other countries. However, they partner with other organisations on a project-by-project basis. Mysociety presents a similar structure to the Sunlight Foundation; its office is located in London, but its members work on projects with several organisations around the world. They mostly work on the deployment and adaptation of their own projects to other contexts. Some examples are the

different versions of the Alaveteli software to digitally process requests for information to different government offices.

Meanwhile the Web Foundation, the newest group of the set, presents a mixed approach. The Foundation has worked with other organisations and has also started to have a presence in other countries. For example, they have begun to have a physical presence in the Global South by helping create a Lab in the capital city of Indonesia, Jakarta. They also have a presence in different countries because, given that staff work in different cities around the world, in spite of the fact that the central offices are in Washington DC, they have a space, together with other organisations working in the open government field, inside the OpenGovHub²⁰⁸ floor.

7. SUMMARY OF MAIN FINDINGS BASED ON THE CRITICAL OVERVIEW OF ACTORS IN CHAPTERS 4 AND 5

This critical overview of some of the main international actors in the OGD field, demonstrates the clear importance and influence of ICT developments in this area and for these actors. The nature of organisational topics, the structure of the organisations, as well as the vision of their funders, they are all connected to the technological developments of the past couple of decades. This influence is clearly expressed in the connections between the Open Source movement, the

²⁰⁸ Open Government Hub official website: <http://opengovhub.org>

hacker ethics and the activities, together with the models of engagement, the structure and the topic that these organisations focus on.

In contrast, FOI groups still, in most cases, relate to the information in a very static fashion. This characteristic also relates to the way they are structured and the ways in which they connect to other actors. Not only is the approach to the topic a determinate factor but also the size of these organisations and the time they have been in the field makes it difficult for them to innovate and keep up to date to the new developments. The pace in which these actors change the way they relate to these changes is usually slower in comparison to smaller and less bureaucratised groups.

ICT influence is one of the main differences between the FOI and OGD international organisations included in this thesis. The impact of ICT is not the only disparity between the organisations in these two fields even though most of the dissimilarities relates to this differential influence. Thus, FOI and OGD organisations differ in many aspects, from tools, main drivers, selling points, leadership and relationship with governments. They also present differences between themselves through activities and approaches to the topic. They also experienced changes throughout their organisational history, as previously mentioned, in connection with the evolution of the field. However, there are some points imprinted in their own work and discourses that can identify the actors in each of the movements. These common features, the approach, the relationship with

governments as well as the main goals allow for a better understanding of each of the fields.

7.1 Approach and members' background

The professional background of the members of international FOI and OGD groups not only shape the approach to information and data but also their advocacy tools and strategies. In that sense, FOI organisations have embraced the human rights-based discourse to advocate for legislation on the topic around the world and, in particular, as a powerful advocacy tool to transfer FOI legislation to the Global South. The strong legal background of the main FOI organisations, as well as within individual advocates, influenced the approach to the advocacy and the tools to reach new countries and regions. On the other hand, the ICT component of OGD main organisations comes with a whole set of values that, at first sight, are distant from the one promoted by traditional human rights organisations (Levy 1984, Coleman 2011, Coleman 2013).

Members of FOI INGOs, as in other disciplines, started to promote the rights-based approach to the access to information by the mid and late 1990s. As in other disciplines, the human rights approach has entailed the promotion of western liberal democracy ideals into other regions, Africa, Asia and Latin America, in particular (Mutua 2001). All these FOI organisations have the rights approach immersed in their mission or even their names, such as Article 19, despite the difference they present in other organisational aspects, such as size, activities and engagement.

They all are based in the Global North and they work with partners or branches in the Global South or other regions and countries, which are not at the heartland of the western liberal world.

The Open Data movement is particularly problematic to define and to understand. As mentioned in this current chapter, the hackers' ethic is a key component of the philosophy that most of these organisations include in their missions and visions as well as what they promote in each of their activities, from hackathons, to joint app development, etc. In spite of that, OGD organisations promote a similar set of western liberal values to those supported by FOI organisations. OGD International Organisations present, as previously analysed, a diverse set of activities, size, engagement style, however, they all share as their main component/tool, ICT. Thus, the hackers' ethic is a key component of the philosophy that most of these organisations include in their missions and visions as well as what they promote in each of their activities. They, in that sense, present a more collective spirit, and discourses based on the ideas of efficiency and innovation (Levy 1984, Coleman 2011, Coleman 2013).

The hackers' ethic is a component difficult to grasp in terms of one philosophical tradition or line of thought. As explained by Coleman (2013), on one side, 'unlike academics—who at times religiously guard their data or findings until published, or only circulate them among a small group of trusted peers—hackers freely share their findings, insights, and solutions (Coleman 2013 p.107). On the other side, the meritocracy, the

independence, the value of freedom are also strong components, which shape their vision of the world. The power of collective knowledge development is at the centre of this community. As clearly analysed by Coleman in her extended anthropological research, these groups can be identified with a utilitarian ethic of freedom and openness based on Mills and Bentham's concepts. 'While much of liberal thought understands mutual service in terms of economic exchange, hackers relate to it through the very act of individual expression and technical creation—the only sound ways to truly animate the uniqueness of one's being' (Coleman 2013 p.120).

The emphasis on the efficiency and innovation coming from the Open Source movement and the linkages to the knowledge economy (Bivand 1999, Willinsky 2005, Pollock 2008) as well as the definition of modern liberalism as 'relations of mutual service between equal individuals' (Taylor 2009 p.170), all had and continue to have an influence on the OGD advocates, which has placed some of them²⁰⁹ far from the rights-based arguments of the FOI/RTI movement. Adding to that are their ethical claims of freedom, privacy, individual, meritocracy, as expressed by Coleman (2011), which reveals their strong linkages to liberal commitments and utilitarian liberalism.

Related to this point are the main advocates' professional backgrounds, their respective philosophical approaches and their effect on both fields²¹⁰.

²⁰⁹ For further analysis, see Section 3 in this chapter

²¹⁰ This does not mean, in any way, that each movement presents a coherent monolithic

Most FOI advocates have come from either from the freedom of expression or public law fields and have used rights-based arguments to promote the enactment of FOI laws that are driven by a belief in the value of governments being publicly accountable for their actions and inactions. The area has largely been a lawyers' domain²¹¹. This laid the foundations for a legalistic approach to the initiatives and adversarial relationships with government, since FOI laws are fundamentally about testing the strength of competing claims to where the public interest lies, in disclosure or secrecy. In contrast, the OGD community tends to attract professionals with strong IT knowledge, or technocratic policy backgrounds. These OGD actors look for more cooperative relationships with governments. The difference partially resides in the fact that the latest groups of actors work with the data the governments are willing to disclose (Fumega 2013 September 22).

Thus, both movements presents close ties to liberal principles, however, the particular professional background in each of the fields differentiates not only their leadership and main activities and goals²¹² but also their

body of thought but they share, in each particular phase of the movement, a set of concepts in which they based their activities and strategies.

²¹¹ Some human rights and administrative lawyers started to become popular names in the field (as important or even more than the organisations they represented. In general they later created their own organisations on the topic)

²¹² As mentioned in Chapter 4, FOI, until recently, was characterised by a paper-based informational environment with a concern about the access to the information more than the actual use and reuse of it (the use of information has been more related to the work of investigative journalists and other infomediaries). That void was filled by open government data organisations (together with some media outlets), which are strongly focused on the use and reuse of the data, which became relevant actors in the governmental information ecosystem during this last decade. (Fumega 2013 September 22)

relationship with other stakeholders in their respective fields, as described in the following paragraphs.

7.2 Relationship with governments

As a generalisation because no one model fits all, the FOI community has mainly focused on the construction, enactment and operation of access to information laws, while OGD groups are dedicated to the reuse of disclosed data. The former fundamentally comes from a legal rights background, while the latter has generally stemmed from economic/commercial or technological environments. These differences partially explain the diverse approaches to their relationship with governments.

Although both groups work with government information resources, the FOI movement regards the government as something that needs to be watched and held accountable. In contrast, the OGD groups see governments as a source of useful data given the breadth and depth of government's involvement in people's lives and as an economic actor.

Differences in the main advocates' professional backgrounds and their respective philosophical approaches, creates different effects in both fields. Most FOI advocates have come from either from the freedom of expression or public law fields, and have used rights-based arguments to promote the enactment of FOI laws that are driven by a belief in the value of governments being publicly accountable for their actions and inactions.

In contrast, the OGD community of professionals with strong IT knowledge, or technocratic policy backgrounds seek more cooperative relationships with governments. As noted, the OGD actors work with the data the governments are willing to disclose (Fumega 2013 September 22). The proactive disclosure of the data in the case of OGD field generates a different dynamic between civil society organisations and governments than the one shaped by the duty to answer to the requests for information, called reactive transparency.

Besides the proactive nature of the data disclosure, in the case of OGD advocates and organisations, the mix between the imprinted utilitarian approach -pursuing one's interest for the mutual benefit, according to Taylor (2009)- and liberal values, as freedom and openness, also adds to the collaborative relationship that these groups have had with governments. These utilitarian principles are also tied to their neutral position in the face of political-related issues and aspects.

OGD groups and individuals most often see their mission/work as antiseptic and neutral, far from all the contaminations of the politics and ideologies (Coleman 2004). The combination of these elements allows OGD actors to have a more collaborative approach to working with government officials. Unlike their OGD counterparts, FOI groups look at the government as a body they need to hold accountable, a watchdog approach (Fumega 2015).

Thus, in spite of the promotion of a similar set of western liberal values by FOI and OGD organisations, the importance of the hackers' ethic in the technological way of defining that word,²¹³ which brings an emphasis on the collective production of knowledge to the OGD community, adds to the reasons to look for a more collaborative approach with governments and public agencies (Levitas 2013, June 7). This contrast with the FOI community's confrontational and watchdog approach to government.

Because of these different roles, within the OGD field, governments are not just one of the main suppliers of data, they are also one of the many stakeholders in the field. Open Data groups usually work with government-supplied data but sometimes they have other sources of data or they find their ways to extract and clean the necessary data without the explicit publication of the data in the same formats of governments. On the other hand, in the FOI field, government is the main source of information as well as the main actor to talk to or to keep an eye on.

All the elements, in particular the main divergences between the actors and thus the fields presented in the previous chapters provide the foundation to explore the current debate/discussion, at many international

²¹³ The explanation from Code for America blog clearly explains the differences between the approaches to the word hacker: 'To most of the population, hacking is still associated solely with the acts of breaking into security systems found in the media. To those near the technology world, hacking means attempting to solve problems more quickly or creatively than before — it's about using new ideas and approaches to improve the status quo, whether at the scale of a single software project or an entire city. These two definitions are almost completely at odds with one another, especially in terms of their end goals.' (Levitas 2013, June 7).

forums, between FOI and OGD advocates and experts. All the analysis from Chapters 4 and 5, together with a closer observation at the influence of ICT over these two sets of INGOs, serve as the basis to understand not only the sources of the current debates but also consequences of some of the disagreements.

CHAPTER 6- RATIONALE BEHIND DISAGREEMENTS BETWEEN THE FREEDOM OF INFORMATION AND OPEN GOVERNMENT DATA COMMUNITIES

1. INTRODUCTION

Many initiatives, policies and laws on the disclosure of government information and data have been launched in the past decades. In this context, this chapter provides a recount of the main debates between the areas of FOI and OGD and the roles played by international civil society organisations. While there are many areas of agreement nevertheless there still remain several major areas of contention and non-cooperation between organisations in these two fields.

The overview of the main FOI and OGD organisations in the previous two chapters provides the basis to understand the origins of these disagreements, as there is a feedback loop between actors and fields. In particular, in the case of FOI and OGD, civil society actors have imprinted their vision and, thus, helped to shape these fields, often in ways not captured by the academic literature. This imprint is constructed through a combination of the way that the advocacy actors relate to governments, their approach to the topic, as well as goals and professional backgrounds, as observed in the critical overview of a set of actors working in FOI and OGD fields.

International civil society actors have been key channels for the transfer of FOI laws and OGD principles outside the main modern liberal democracies. These advocacy actors have not only helped to transfer key western liberal democratic principles but they have also shaped some of the features of the current policies and government information legislation adopted by governments around the world, e.g. from the human rights approach to FOI, to hackathons and government laboratories and other activities and spaces to promote the use of OGD. Thus, these actors have contributed to the development and current shape of these two fields.

All these advocacy activities have been developed in a constantly changing environment. As discussed in Chapter 4, some of the advocacy organisations defined their areas of work and approaches in a time where the Internet was just starting to become a popular tool for research. Just a few years later, ICTs are fully established as new tools to improve communication, interaction, as well as information management and, thus, become a very significant contributor to the transformation in all information-related activities and fields. They become mainstream and a core part of organisational operations and thus, FOI and OGD international civil society advocacy groups have experienced changes throughout the last decades²¹⁴.

²¹⁴ A key factor in the differences between these organisations is the pace and way different actors have adopted and utilised technology. Thus, FOI organisations, especially those created in the last few years, have started to share more similarities with some OGD organisations. These organisational convergences are detailed explored in the following chapter.

The analysis of ICT allows for a better understanding of the sources of disagreement between the actors in each of the fields, particularly in terms of the approach to information sharing and use. Therefore, the analysis of the influence of ICT as a tool for communication provides a much more detailed and nuanced understanding of how both fields have evolved, the significant differences between the structures, their operations and the evolution of civil society organisations.

The influence of technological developments upon all information-related fields can be channelled in two different ways, which are discussed in this current chapter and in the following one. On one side, ICT developments can be seen as tools to improve and enhance communications and information management. On the other side, professionals with a particular philosophical and theoretical background build these ICT developments. Their vision is imprinted in their work, relationships and organisations. To sum up, ICT developments impact on information-related fields because they provide new tools for information management and also because hacker's ethic/culture, as it is known, provide a particular 'world view' which is later transferred to the way organisations work and engage with others.

These two sides of a comprehensive analysis of the influence of ICT also provides more effective insight into the changes in FOI and OGD policies and contributes to understanding both the level, or limits, of collaboration

between the actors working in areas assumed in the literature to be more similar than different.

This chapter not only allows for a better understanding of the actors in these two areas but it also serves as the basis for the analysis of other information-related fields in a changing environment. ICT developments have transformed information management, use/reuse and storage; from privacy to records management, all these activities have been affected by ICT developments.

A significant supplement to the ideas and insights derived from the analysis in previous chapters is the addition of the author's experiences and involvement in a number of events, meetings, workshops and seminars in both the FOI and OGD fields. In particular, most of the information and observations were gathered from sessions during the Abrelatam and Condatos gathering, held in Chile, and also a workshop and panel at the OGP Global Summit 2015, all of these organised by the author²¹⁵. This chapter attempts to more precisely map and understand both the level of, and sometimes the absence, of interaction between these two information-related areas.

This long list of events provided numerous opportunities to observe, reflect and be puzzled by the level of disengagement or indifference between the

²¹⁵ As explained in Chapter 1, Section 3.1 the author attended a large number of seminars, conferences and other gatherings connected to FOI and OGD events. More information can also be found in the comprehensive list of the events is shown in Appendix 1.

two fields. The research for and writing of this thesis led the author to deliberately use the opportunity of the 2015 OGP Global Summit, particularly, to attempt a closer dialogue between key actors and organisations in these fields. The key outcomes are reflected in the next sections of this chapter.

2. ORGANISATIONS WORKING IN GOVERNMENTAL INFORMATION ENVIRONMENTS

The lack of interaction and acknowledgement between the actors in these two seemingly interconnected informational fields have been one of the main features of the past decade (Fumega 2013, September 22). After attending several conferences and seminars, as shown in Appendix 1, it became evident that there was a need for a deeper analysis of the causes of this divergence and the differing contributions of the main international civil society groups in shaping the rapid developments in these two fields.

The common heritage and dominance of western liberal values in both OGD and FOI civil society organisations does not extend to some key, and related philosophies and methodologies of these groups. In simple terms the fundamental divide appears to stem from the reliance on law by FOI groups and on the ethical principles of hacking by OGD organisations. These two worldviews lead not only to differences in activities but the establishment of very different relationships with governments, as shown in Table 14. A simple example is how for OGD organisations, the mix between a utilitarian approach to liberal values, such as freedom and

openness, together with their neutral position in the face of political issues and aspects, allow a more collaborative approach to the work with government officials. OGD actors are generally content to work with the data the governments provide (Fumega 2013, September 22).

TABLE 14. Differences between both fields through the lenses of civil society actors (features included in chapters 4 and 5)

	FOI	OGD
Approach	Legalistic (mostly)	Technical + policy + economics
Goal	Transparency towards accountability, mostly	Broad range of goals (innovation, economic growth, etc.)
Relationship with public sector (govt.)	Adversarialism	Utilitarianism (collaboration)
Philosophical background	Classic liberalism (theory of democracy)	Liberal utilitarianism, libertarian socialism

Conversely, the dominance of a legalistic, rights-based, approach places most FOI groups on an adversarial²¹⁶ footing with governments, together with a general lack of contentment with the perceived limitations that governments place on release of information under FOI mechanisms. In Section 3, it is argued that these divergences, instead of separating these groups, should be the reason for them to work with a greater degree of collaboration internationally and domestically.

Since 2013, this lack of interaction between the main actors in these two fields has started to be slightly modified. Until recently, despite the short

²¹⁶ This idea of adversarialism is arising from the model of administrative non-compliance with FOI legislation is clearly portrayed by Roberts (1998) and Snell (2001, 2002).

life-span of most of these organisations, these two communities were much working in their own space without much interaction between them. FOI organisations, as previously mentioned, are mostly focused on the passage and implementation of legislation on the topic while individual advocates and incipient OGD organisations are generally concentrated on a diverse range of uses for the data. Despite this gap between the fields, civil society actors have started to acknowledge each other. This interaction is outlined in Section 3.

2.1 Evolution of the organisations

Civil society organisations in both fields work with similar informational resources: government-held and produced information and data. However, their approach and background lead them to focus on different lines of work, as shown in Table 15. Thus, civil society advocacy groups are neither monolithic nor static bodies, as portrayed by the literature.

TABLE 15. Differences between both fields (general features)

	FOI	OGD
Object of the field is conceived as	<ul style="list-style-type: none"> • Information, held, in most cases in documents but not exclusively, and/or produced by public sector • Requester has, in most cases, the right to express a desired format 	<ul style="list-style-type: none"> • Data in reusable digital format held and/or produced by public sector. • Open format is inherent to the initiative
Key element inside that conception of the object: Copyright licensing	<ul style="list-style-type: none"> • Varies between countries: • Some (like USA) have no 	<ul style="list-style-type: none"> • Inherent in OGD is that a license is granted to the user to reuse,

	restrictions on republication <ul style="list-style-type: none"> • Other FOI laws do not alter copyright laws, so rights to reuse may be limited 	republish the data
Focus: re: info/data	<ul style="list-style-type: none"> • Reducing information asymmetry (focus on access) 	<ul style="list-style-type: none"> • Focus on re- use (added value)

The changes wrought by ICT on information environments have spurred changes within FOI and OGD organisations both internally and in the way they operate in that new information environment. In particular, OGD groups are more naturally ICT orientated and predisposed to a more rapid response to those changes. In contrast, most FOI groups, even where they take up ICT, are slower and more reactive in their responses. It is important to reflect on some of the changes that FOI NGOs have experienced as well as on some of the features of the inherently ICT-oriented OGD international groups. These remarks are included in the next subsections.

Developments in FOI legislation as well as the implementation of OGD policies are possible because of the ICT driven changes in the way citizens and governments interact with information. Citizens and governments now have direct channels to interact, from e-grievances platforms, to information and data requests, to formal and informal participation in decision-making processes. A diverse set of channels of

interaction is now available, e.g. citizens demand information and also governments use social media tools to let the public know about their performance (Davies and Fumega 2014 p.2). Citizenship implies much more than just casting a vote once every electoral term, however, until recently the channels to exercise those rights were not just in citizens' computers and/or mobile phones or other devices. Thus, in the case of the FOI field, citizens face the possibility of accessing information at just a click away. Furthermore, the option of submitting on-line requests enables users to request information even when they are not in the same city or even the same country, depending on the specifications of the platform (Fumega 2015 p.4)²¹⁷.

However, ICT has not only exerted its impact over government-citizen relationships by providing new channels to connect and communicate. ICT presents a twofold influence over the information management-related fields as well as the advocacy organisations. On one side, ICT developments have provided new tools and channels to facilitate communication and to manage information and data in unexpected ways. On the other side, the philosophical background behind many of the experts on these digital information and communication's tools has influenced actors in civil society, as mentioned in Chapter 5 Section 3, and also in government circles²¹⁸.

Not only can the influence of technological developments be divided in

²¹⁷ http://redrta.cplt.cl/_public/public/folder_attachment/a5/1a/1a8b_42ea.pdf

²¹⁸ A popular initiative among transparency advocates is the permanent hacker lab inside the Brazilian Congress. For more information: Swislow, D. (2014 January 3).

those two spheres but these changes also present a differential impact in FOI international groups and OGD organisations.

2.1.1 FOI

The work of FOI advocacy groups throughout the four stages of the modern FOI history helped change the default settings of the majority of governmental information systems from secrecy to more open settings. ICT developments have also contributed to these changes.

Those above-mentioned stages and the different approaches of FOI and OGD organisations towards information are partially, as explored by Xiao (2011), a product of ICT as well as the passage from a secretive environment to an enhanced information environment. All these elements are interconnected and allow for the understanding of the different environment in which these organisations were created.

ICT has penetrated all information environments and government information has not been the exception, including for example, the multiple e-government initiatives in the 1990s (Davies and Fumega 2014 and Fumega 2015). Thus, the mass diffusion of ICT tools, around mid 2000s, has been an important milestone for all areas working with informational resources.

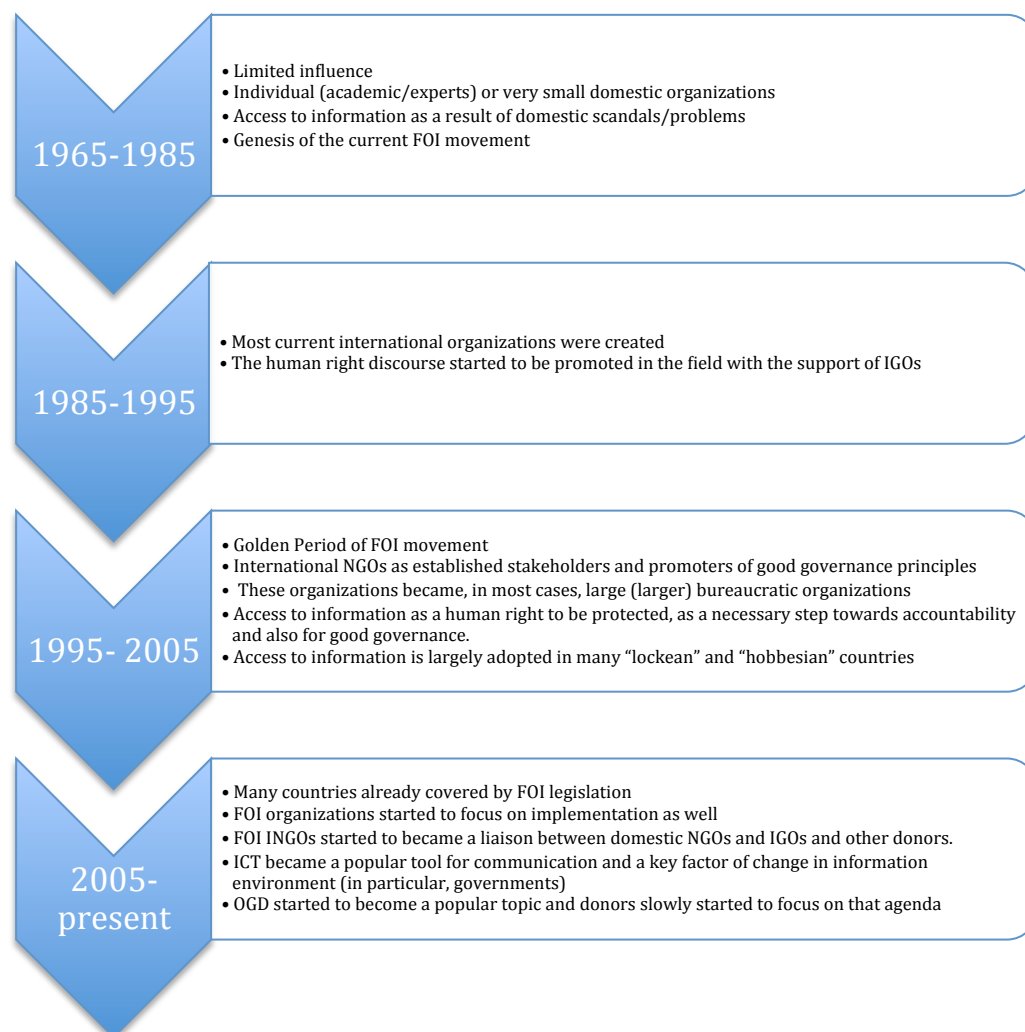
Four clear stages are identified in the main FOI advocacy history, as shown in Figure 11. During the latest stage, from the mid 2000s onwards,

the mass diffusion of ICT to areas that were not at the forefront of innovation²¹⁹, is the disruptive element that marks the division between the last two stages. However, in spite of ICT already being a popular tool in many areas, organisations working in the promotion of FOI were not among the pioneers of users. This delay was not only in the introduction of these tools as part of their daily routine but most importantly in their activities and strategies (Fumega 2015b). Thus, the use of ICT to access information, unstructured data according to Roberts (2006 p.212), via FOI legislation is a component recently added to these groups' activities.

²¹⁹ From the e-justice models (Velicogna 2007) to ICT in education at primary schools (Demetriadis, et al. 2003). E-justice model in Belgium (Marco and Contini 2003) and Plan Ceibal in Uruguay (Mangiatordi and Pischetola 2010) are some of the examples in these areas.

However, these are just examples of the many environments that are identified by the literature as resistance to change and innovate.

FIGURE 11- Summary of the evolution of FOI organisations



FOI advocacy groups have focused mostly on the passage of laws on the topic that allow the public to go to a given public agency and request information contained mainly in documents, produced or/and held by government agencies²²⁰. After some years, these regulations have been enacted in a large number of countries, Hobbesian and Lockean States²²¹.

²²⁰ In most cases, the reproduction is charged to the requester

²²¹ See Stubbs (2012) for more information on the diffusion process.

Civil society actors started to focus their main resources in the implementation of those regulations. At that same stage, entering the second half of the first decade of 21st century, ICT was an important component of any information-related initiative and field. Closer to the end of the decade, governments started to include open data initiatives, where ICT is an inherent component in their transparency policies. Digital platforms to request government held and produced information started to be an important component within the implementation of FOI regulations.

Thus, changes and developments in ICT have not only impacted on obvious areas where technology is a core component of the discipline, as in the case of Open Government Data, but in all information and communication areas. In spite of having its genesis in a paper-based era²²², FOI has more recently been influenced by ICT (Snell 2008, November 4, Darch and Underwood 2010, One World Foundation India 2011, Fumega 2015). One clear example of ICT influence in the field is online portals to file requests, based on FOI legislation. These are the most popular feature in a modern FOI regimen (Fumega 2014, 2015). Together with these portals, the influence of ICT is also present in FOI 2.0 reforms, where the emphasis lies on the proactive disclosure of information, via a governmental website and not only the right to request information (Snell 2008, November 4, Breit, R. et al. 2012).

²²² At the beginning of Roberts's Chapter 9, he encapsulates this paper-based orientation of not only FOI but also the whole public bureaucratic environment. (Roberts 2006 pp. 199-201)

As mentioned, ICT has clearly influenced FOI groups and activities, in spite of the fact that the influence of the paper-based era upon main actors and initiatives in the Golden Period for FOI advocacy, together with the strong legal tradition of many of the most prominent actors and groups, has built, at first glance, an environment where innovation was not among the main goals. Transparency, accountability, anticorruption, human rights, among others, were, and still are, the main buzzwords in the field.

As observed, the praise for innovation could be clearly associated with the influence of the hacker's philosophical background more than the impact of ICT as a facilitator of new communication tools. This difference, between the ways in which ICT can impact on a community or group of organisations, allows for a clear understanding of the actual impact of technological development on FOI organisations and the field as a whole.

Following the previous differentiation in terms of areas of influence, ICT tools and developments present a clear impact on the way through which the information is requested and/or accessed as well as the channels through which organisations and actors communicate and engage, e.g. electronic communications, webinar, social media, among others. Thus, the philosophy behind many actors working with ICT, mostly developers, is the component that is missing within these FOI organisations. The actors and leadership behind the main FOI international groups have a strong legal background, as previously analysed, in contrast to the more

technological and economy/policy oriented approach to the topic within OGD specialists.

The rights-base discourse together with the limited influence of ICT in philosophical terms upon FOI actors, although it has an impact in practical terms, allows for a clear comprehension of some other aspects, such as the scarcity of joint projects with the OGD community, e.g. Beyond Access (Access Info and Open Knowledge 2010), as well as the expansion of the agenda towards digital rights activities more than the OGD strategies. The explanation lays in the different backgrounds and relationships with information that OGD and FOI community present (Fumega 2013, September 22).

2.1.2 OGD

In contrast to FOI organisations and in spite of their shorter existence, OGD groups are less homogenous and more diverse in terms of goals and activities. As previously described, OGD groups and the entire Open Data community have had strong ties to the hacker community from the 1960s and 1970s. The hacker community's liberal utilitarianism, which explains the convergences of their emphasis on collaboration together with a strong presence in meritocracy, is an intrinsic component of the ideas coming from that technical community which was later imprinted in OGD groups (Coleman 2011).

The emphasis on innovation and collaboration shapes the structure and engagement style, as well as the activities and the goals pursued by these organisations. Thus, both FOI and OGD actors present a strong liberal imprint. The particular professional backgrounds and philosophical particularities in each of the fields differentiate not only their main activities and goals but also their relationship with other stakeholders in their respective fields. All these divergences allow for a much clearer understanding of the rationale behind the current debates between these two fields.

The dissemination of ICT developments in the late 1990s and early 2000s brought these tools to the forefront of government reforms. In many cases, reforms, during the 1980s and 1990s, were also associated with the ideas of efficiency and efficacy in the public sector²²³. These were mostly supported by donors and IGOs (Fjeldstad and Isaksen 2008). During this period, government efforts regarding the implementation of ICT were mostly focused on the improvement of public service delivery such as e-government (Bhatnagar 2003, Perez and Rushing 2007).

The Mayor of the City of Baltimore in the U.S., Martin O'Malley, implemented one of the first public data-related initiatives coming from a public agency in 1999 (Tauberer 2012). The project, named CitiStat, was

²²³ For references on New Public Management (NPM), see Chapter 4 Section 2.4. Some scholars have claimed that the concept of NPM has been replaced by the concept of digital era governance (or DEG). According to P. Dunleavy, Helen Margetts and others DEG presents three key elements: reintegration; needs-based holism; and digitisation (fully exploiting the potential of digital storage and Internet communications to transform governance). Dunleavy, P., et al. (2006)

aimed at addressing the poor performance of that local government, namely high levels of crime, costly taxes and a government that had high levels of staff absenteeism (Perez and Rushing 2007). According to Taureber, even though it was first intended to monitor only the level of absenteeism among public officials, it eventually expanded to monitor all social programs in the city (Tauberer 2012 p.3). This initiative set the basis for creating a website in 2003 to allow public access to the statistics of social programs in Baltimore.

This same initiative was replicated in the state Maryland and in other cities such as NYC. 'Although CitiStat, StateStat, and NYCStat focused on performance reports and metrics rather than raw underlying data, they demonstrated through practice that data was valuable to keeping governments productive and accountable' (Tauberer 2012 p.4). Around that same period, the city of Philadelphia released its Geographic information system (GIS) data free to the public (Thomler 2013, July 17). These developments, together with other initiatives and actors, started to establish the foundations for the future open data movement²²⁴ (Fumega 2013).

These initial ideas were not only coming from local governments. In this early stage the most incipient initiatives, from the civil society side, were related to the extraction and reuse of government data. Individuals mostly

²²⁴ After these initial steps, one of the first actual examples of an open data portal, created by a public organisation, came in 2007 from the District of Columbia (DC) and its Chief Technology Officer, Vivek Kundra. The District of Columbia was one of the pioneers in launching an OGD portal, where everybody could access and reuse those datasets.

carried them out and they were, in many cases, a product of personal interest²²⁵. These individuals, in some cases, created small organisations to work on open data-related initiatives. Gradually, individuals and small groups working on the reuse of government data started to gain popularity outside the more technical and scientific circles (Fumega 2013).

During the second half of the 2000s, civil society organisations and individuals working on OGD started to grow in number and influenced the developments within the public sector. The launch of US²²⁶ and UK²²⁷ open data portals, are examples. During this early stage of the OGD field, newly created civil society groups did not manage to attract the full attention of traditional donors and IGOs. Most donors in the transparency and anticorruption fields were focused on what FOI organisations were discussing and implementing (Fjeldstad and Isaksen 2008). In this period, donors were not convinced about the linkages between data openness and the impact on curbing corruption and poverty reduction, areas thought to be the focus of FOI legislation and initiatives²²⁸.

Denied access, or very limited access, to these traditional sources of funding for information projects, OGD organisations looked for income from other sources. Thus, some of them looked to technology companies

²²⁵ US developers, Carl Malamud and Joshua Tauberer. Both, Carl Malamud and Joshua Tauberer had, in the early years of their work with public information, to invest large amounts of hours of work to convert government information into reusable data. (See chapter 5 for further information)

²²⁶ <https://www.data.gov/>

²²⁷ <https://data.gov.uk/>

²²⁸ This idea was extracted from interviews with OGD civil society professionals, conducted for this thesis (see Table 1 in Chapter 1 Section 3.4 for more details)

and foundations, from Google and Omidyar²²⁹, or generated their own income instead of drawing from traditional FOI sources like IGOs, the World Bank and the Inter-American Development Bank, or donor foundations such as Open Society Foundations and others. This search for new sources of income produced a correlation with the legal structures most of these OGD organisations adopted, namely social enterprises²³⁰. This contrasted with the charity and other non-for-profit (NFP) organisational structures, depending on country²³¹, adopted by FOI organisations.

Until the mid 2000s, the legalistic FOI organisations and advocates mainly dominated the transparency area. However, from 2005 onwards the influence and operational flexibility of ICT has helped assist the creation of new actors working in a range of areas, including governmental transparency. OGD groups and individuals pursued different areas, methods and outcomes than their FOI counterparts. These OGD actors are now well-established stakeholders and have attracted considerable amount of attention and resources²³², even from traditional IGOs²³³.

²²⁹ Omidyar official website: <https://www.omidyar.com/>

²³⁰ Some comments on the idea that charities should become social enterprises are expressed in (Murray, G. (2012, October 15).

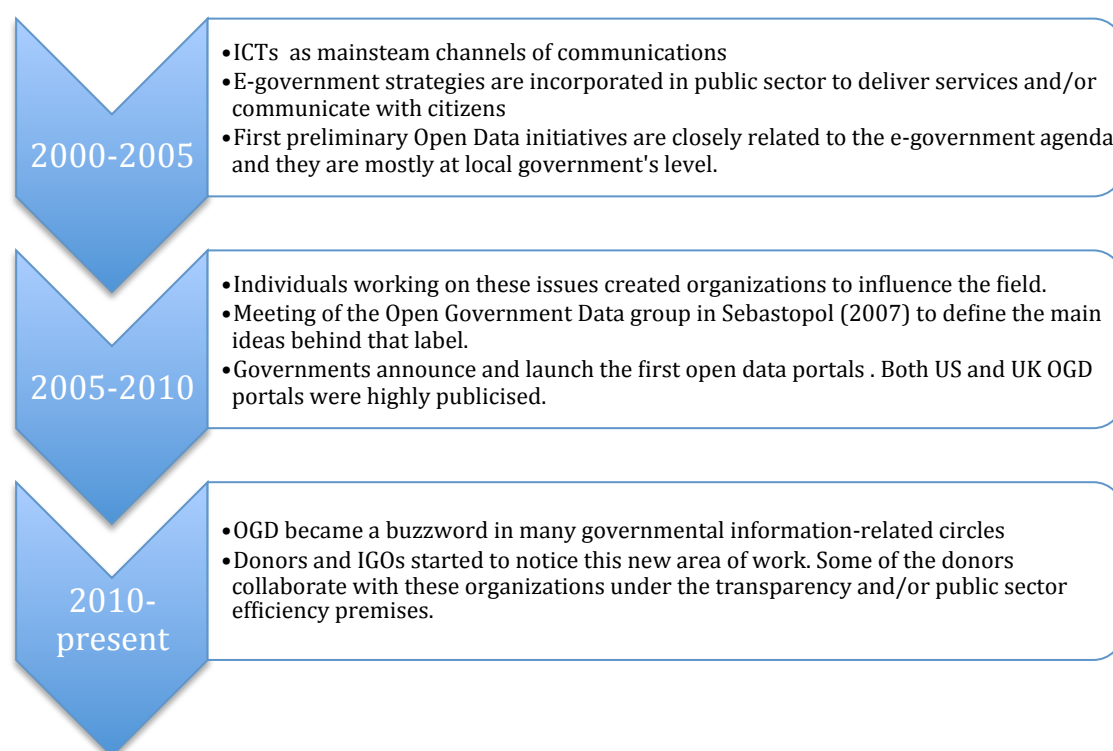
²³¹ Article 19 is a registered charity in the UK (number 327421) while mySociety is a not-for-profit social enterprise in the same country (mySociety Limited 05798215).

The Open Knowledge Foundation, trading as Open Knowledge, is incorporated in England & Wales as a company limited by guarantee, with company number 05133759

²³² For example the support that MySociety received from Omidyar (Steinberg 2015, January 21). Furthermore, the inclusion of open data in the agenda of the World Economic Forum in Davos (2016) is a clear sign the agenda (Schwab 2016, January 14).

²³³ An example can be found in:
(Open Knowledge 2013, September 18)

FIGURE 12- Summary of the evolution of OGD organisations



This brief summary of these two fields and the stages that demark the transformations in these fields as well as main international NGOs, lead to the debate/discussion on the similarities and divergences between these two fields. It also allows for the exploration of the connection between these two communities.

The influence of ICT is key to understand these two fields and the divergences between them, more than the similarities that are much more evident, as shown in Table 14. Furthermore, it is the differential impact of ICT over the FOI and OGD organisations that allows for the understanding of these differences.

The influence of ICT as a tool for communication and information management has permeated all organisations, FOI and OGD, as explained in Chapter 7 Section 5. However, the utilitarian philosophy behind some of the developers of those technology tools has not infused the FOI field. The idea of innovation, meritocracy and other concepts are linked to the philosophical background of the NGOs operating in both areas.

This differential influence, as a communication tool and as a philosophical background to organisations and their members, has not only pervaded their activities and strategies but also their organisational structures. The lack of interest from traditional donors in the early stages of the field has also contributed to the differences.

Social enterprises, including the organisational legal structure of most OGD organisations included in this thesis, are usually identified with the concept of innovation by the academic literature (Young 2001, Dart 2004, Defourny and Nyssens 2008), as well as government reports (Leadbeater 2007). It is defined, in many cases, as the intersection between markets and traditional foundations/associations. This relates to the idea that social enterprises trade products and services but not for a private gain but to further social goals.

All these divergences are easily identified, not only by scholars researching the divergences and similarities between these two fields but

also by their own members of each area and other stakeholders related to government information management. This issue is explored in the next section through an analysis of the current debates.

3. DEBATE BETWEEN ADVOCATES²³⁴

Despite all the obvious connections between FOI and OGD fields, both working with government-held and producing informational resources for a greater good, joint activities are still very scarce. Not only are these endeavours infrequent but so too have been the connections between the actors in these two movements. In this context, the author participated in several meetings and conferences to better understand the causes and consequences of the lack of interaction as well as disagreements between actors in both fields.

The new decade started with several popular initiatives in terms of OGD. The launch of the US and UK portals, 2009 and 2010 respectively, indicates the beginning of the use of the concept of Open Data in mainstream publications as well as in political speeches, among others. Just a few examples of political speeches can be found in, Brown (2010, March 22), Obama (2014, September 24), Turnbull (2015, March 11), Macri (2015, December 10). Despite the popularity, or maybe because of it, a very small number of practitioners have focussed on the linkages, or

²³⁴ The following paragraphs are part of the report produced for the Web Foundation and IDRC (Fumega 2015b).

lack of them, between the FOI and the OGD community²³⁵ (Access Info and Open Knowledge Foundation 2010, Hogge 2010, Fumega 2013, September 22, and 2015b).

By 2010, the FOI community had established FOI as a key component of transparency and good governance reforms. Its members were viewed as key stakeholders in any transparency conversation. Access Info and Open Knowledge Foundation paired up to produce a document on the convergences of OGD and FOI (Access Info and Open Knowledge Foundation 2010). OKFN and Access Info, were, and still are, two of the most prominent organisation in each field. This report provides recommendations to governments and funders. Most of those practical recommendations around information and data disclosure are a reminder not to leave FOI initiatives and practitioners behind and to encapsulate all disclosure and access to information under the same regulations.

More importantly, the two different sections on OGD and the FOI movements clearly reveal the professional distinctions that have been identified in this thesis. Most of the recommendations to FOI civil society organisations in that report relate to the legal aspects of the access to government held information. The section on OGD civil society organisations includes a description of the civil society actors, together with some of the initiatives, but it does not provide clear recommendations for civil society in the field (Access Info and Open Knowledge Foundation

²³⁵ In general, the references are to Open Data and not specifically to Open Government Data though.

2010 pp. 75-89). Those two sections might indicate, more than a close collaboration, a division of topics between the main authors.

That same year, Hogge (2010) wrote a document providing an overview of US and UK initiatives including a section on the relationship between FOI and Open Data, with opinions from many FOI community's leading members. The main focus of Hogge (2010) report is to identify the drivers and actors involved in the pioneer OGD initiatives. It also includes some comments from well-known FOI advocates. In that document, advocates voiced their concerns, as they perceived that any move away from FOI reforms, towards open data initiatives, would represent an unfortunate change of priorities (Hogge 2010 p.19).

Both studies are examples of the incipient confluence of agendas and reveal suspicions coming from FOI advocates about these new actors and their technological determinism. These two reports were a product of a mix of different backgrounds and interests. In the case of Hogge (2010), her background, as a technology writer but also as former executive director of Open Rights Group, is clearly reflected in the report. It includes her knowledge and interest on the intersection between rights and technological aspects. In the example provided by the Access Info and Open Knowledge Foundation (2010) report, the mix of interests and backgrounds is provided by the two organisations in charge of producing it. In the first case, Hogge presents a more homogeneous style and approach while in the other report some of the differences between the

actors in each of the fields can be perceived. Some of the differences, identified in these two early reports, still permeate some of the discussions.

At that point, when the UK and US OGD portals were launched and the Access Info and Open Knowledge Foundation (2010) and Hogge (2010) reports were developed, FOI groups were the established actors while OGD professionals were considered as the newcomers. In less than five years, the balance of power, judged by public comment, government take-up and prioritisation, has largely changed (Foti 2015, May 27). As previously suggested, activities organised by civil society organisations have attracted the interests of traditional sources of income such as donor organisations and IGOs.²³⁶ In that same context, OGD advocates and specialists dominate the Open Government agenda, causing some complains from the FOI community.

In 2011, just a year after the release of the previously mentioned report, the ICIC, one of the main events of the FOI community, was held in Ottawa, Canada in October 3-5, 2011²³⁷. The gathering provided an opportunity for the FOI community to raise their concerns, which resulted in reports of the difficult relationship between these two communities (Freedominfo.org 2011, October 6). The FOI community members were mostly focused on the proactive nature of the OGD policies and the lack of

²³⁶ For example, the Partnership for Open Data, back in 2014, was signed between Open Knowledge, Open Data Institute and the World Bank. More information: <https://theodi.org/odp4d>

²³⁷ For information about the program: http://www.cba.org/cba/cle/pdf/PRV11_program.pdf

legislation supporting the right of users to request open data from governments. An example of that is the statement by Alexander Dix, Berlin Data Protection and Information Commissioner during that event, 'At the same time we need individual rights that do not leave the decision of what to publish to the government' (Freedominfo.org 2011, October 6). In this same event, according to Freedominfo, Andrew Puddephatt, director of Global Partners and Associates, mentions that Open Data supporters tend to be anarchic and to present an aversion to laws. He refers to these FOI features as 'a serious weakness for us and, thus, the human rights community is not fully engaged with the value of the open data field' (Freedominfo.org 2011, October 6).

During these early days there are frequent complaints in social media as well as at transparency events about the emphasis on the use of ICT more than complaints about the institutional and legal channels to demand government accountability. Examples of these arguments relate to the use of Open Government Data and Open Government concepts by advocates (Marks 2012, March 1). FOI and transparency advocates felt the need to clarify that terms such as Open Government had been used within the FOI field for many years²³⁸ and that the use of that term by OGD advocates to only mean 'release of datasets by government for reuse' significantly limited the breadth and significance of the term. For many FOI advocates, governments developing OGD policies were not necessarily working

²³⁸ For example the UK Government's 1993 white paper on increasing public access to government held information was entitled 'Open Government'. (Chancellor of the Duchy of Lancaster 1993)

towards a more open government in the traditional sense²³⁹. Some of these concerns were also conveyed in academic articles²⁴⁰, such as Bates (2012) and Yu and Robinson (2012).

OGD supporters and advocates were largely absent from these discussions, although some of them voiced their concerns regarding FOI legislation and initiatives. A Canadian OGD supporter, David Eaves, during the ICIC meeting in 2011, regarding the FOI agenda on information access, says 'If the legal framework doesn't allow it to be repurposed it doesn't empower' (Freedominfo.org 2011, October 6). Eaves also comments on the issues arising from the waiting time, inherent in the reactive disclosure of information requested under any FOI regime, 'I just think FOIA is broken; the wait time makes it broken...' (Freedominfo.org 2011, October 6). He adds that 'efforts to repair it are at the margins' and

²³⁹ As clearly exemplified by Yu and Robison (2012), 'The Hungarian cities of Budapest and Szeged, for example, both provide online, machine-readable transit schedules allowing Google Maps to route users on local trips. Such data is both open and governmental, but has no bearing on the Hungarian government's troubling lack of transparency' (Yu and Robinson 2012 p.181).

²⁴⁰ Yu and Robinson - after a first well-articulated piece on the idea that governments should focus on releasing data in open formats more than in building websites (Robison, D. et al, 2009) - focus on the conflation of the concepts of open government and open data (and the wrongly use of these concepts as interchangeable). According to them, governments could commit to open data initiatives for a number of reasons not necessarily alienated with the traditional anticorruption rationale (behind many transparency-oriented policies). In most cases, the rationale behind these policies is closer to economic opportunity, innovation, and efficiency (Yu and Robinson 2012). Peixoto also warns about the need to observe the context in which the data in open formats is disclosed. He goes beyond Yu and Robison (2012) argument that open data initiatives not necessarily release politically sensitive data. Peixoto states that "even when data is politically important, accounting for the publicity and political agency conditions might be a commendable reflection for a better understanding of the prospects and limits of open data" (Peixoto 2013 p.213)

Bates also, in her own way, analyses the more "naïve" approach to these policies. She analyses the rationale behind OGD initiatives, UK in particular, and identifies that they are, in many cases, progressive shields for controversial neoliberal policies. (Bates 2012) For further information on the diversity of drivers behind Open Data programs, see Chapter 2, Section 3.

that government has little incentive for reform (Freedominfo.org 2011, October 6).

These divergences²⁴¹ can be linked to the lack of joint projects. Furthermore, the lack of common ground also relates to the absence of provisions in FOI legislation regarding data and formats. Even now these provisions are relatively alien to most FOI legislation. In spite of that, there have been some recent signs to suggest that the trend is slowly starting to be reversed. Several mentions of the relationship, or lack of it, between FOI and OGD movements have surfaced in late 2014 and early 2015.

The debate²⁴² on the connections between FOI and OGD resurfaced in OGD related events²⁴³ and in most cases by OGD community members. In particular, the Third International Open Data Conference²⁴⁴, held in Canada in May 2015, provided the location and opportunity to reinvigorate the debate about the linkages between these two communities. Following the discussions at that event a debate, which began as a discussion about the relationship between privacy and openness²⁴⁵, soon focused on the

²⁴¹ This lack of communication and collaboration between these two communities became evident with the launch of the Open Government Partnership. The constant critics from many FOI experts on the importance given to the Open Data-related activities in the actions plans unmasked the difficult relationship.

²⁴² This section does not include an exhaustive list of concerns and critics to both policies (FOI and OGD). This is just an illustration of the type of debate between the supporters of each of them.

²⁴³ See Appendix 1 for more information on the Regional Open Data Conference (Mexico, September 2014), RightsCon (Philippines, April 2015) and the 3rd Open Data Conference (Canada, May 2015), among others.

²⁴⁴ More information in their official website: <http://opendatacon.org/>

²⁴⁵ The article by Martin Tisné (Director of Policy at the Omidyar Network, and member of the Steering Committee of the Open Government Partnership) that prompted the debate was published on TechCrunch on 10 June 2015 (Tisné 2015 June 10)

lack of relationship between the FOI and OGD communities²⁴⁶. Similar arguments to those outlined in 2011, resurfaced. They are mostly focused on the lack of a legal framework, which would allow users to appeal in case of non-compliance:

My concern with the way that Open Data is moving forward is that it is not working with the Access to Information community to understand how existing laws can be used as guides to frame the issues and guide decision-making on the important issues you raise in your statement. (Lemieux, The World Bank in Freedominfo.org 2015, June 17).

Some of the usual concerns from the FOI and transparency circles relate to the lack of legal support of users' right to demand certain datasets in the context of open data initiatives. Connected to this point is the emphasis by OGD initiatives on the proactive disclosure of the data in open formats and thus, the reuse of the data that governments are willing to disclose. Overall, the concern from FOI circles seems to be that if OGD advocates give governments an openness seal of approval for proactive publication of some datasets, it undermines the ability for other actors to argue for greater openness on topics where the government may be more reluctant to make either information or datasets available. There is already evidence from the UK government to support this fear, where Ministers including the

²⁴⁶ Although the same initial message was posted to both FOI and OGD discussion forums and mailing lists, it attracted more participants from the FOI community than from the OGD communities' forums. The discussion was re-published on the Freedominfo.org website (Freedominfo.org 2015, June 17).

Prime Minister David Cameron, have said that they want open government data to 'make Freedom of Information redundant' (Gibbons 2014, December 11), and that 'real freedom of information is the money that goes in and the results that come out' (Gibbons 2012, March 6).

This concern is also expressed in countries where FOI legislation has not yet been passed. Some FOI advocates express their alarm about the possibility that the OGD agenda may be 'hijacked' by the FOI agenda in those countries, while OGD practitioners express the idea that open data policies at least give the public the option to access to some government data, which could be translated into a better than nothing argument (Fumega 2015b).

This debate was not present in email lists and events, in the open data information. Most of the criticism relates to the absence of a dynamic approach to the information and, therefore, the idea that the value of the data is on the possibility of reuse. Therefore FOI laws and related activities do not empower users (Freedominfo.org 2011, October 6). The assumption behind that criticism is that OGD policies put government data at the fingertips of any citizen with access to the Internet and thus all these citizens may engage in the process of governance more effectively than when such information was available only by request, in hardcopy, or in person (Robinson and Yu 2010, Tran and Scholtes 2015).

The criticism of FOI, from OGD circles, relates to the new divide that places emphasis on the ICT dimension of open data policies and sometimes OGP action plans²⁴⁷. Most current discourse on the value of open data initiatives suggests that ICT tools will allow everybody to not only access the data but also reuse it and act upon the insights generated through that reuse (Davies and Fumega 2014). However, this essential role of ICT access and skills to make use of OGD could actually enhance the division between those with the language, education and computer skills needed to access and reuse the data effectively and thus take advantage of these policies, and those who do not have the requisite knowledge or resources (Gurstein 2011, Eaves 2013, November 18).

Despite the fact that these exchanges have attracted attention in FOI circles, the topic has not been ignored by the OGD organisations, in particular, the international groups. The concerns expressed in FOI circles have had a clear correlation in the reaction of international organisations such as the Web Foundation (Web Foundation 2015, July 20 and 2015, July 21), MySociety (Nixon 2015, July 20) and OKFN to the proposed weakening of the UK FOI Act.²⁴⁸ Thus, the current Government backlash against FOI in the UK, even though it is of concern for the FOI community, has had positive side effects. The international organisations working in

²⁴⁷ In that sense, Dave Banisar, Senior Legal Counsel for Article 19, mentioned: *"In the OGP, many countries in their national action plans highlight their open data commitments but are silent on ensuring that people have a right to demand the information that they need"* in his post for Article 19. (Banisar 2013, 16 October)

²⁴⁸ UK government announced in July 17, 2015, the creation of a new commission to consider "whether new measures are needed to protect the government's internal discussions from disclosure and to reduce the 'burden' of the FOI Act". (Campaign for Freedom of Information, 2015)

OGD activities are publicly involved in the advocacy process, to try and stop the British government's latest efforts to weaken that country's FOI law. The Web Foundation has expressed its concern that the British government is citing its Open Data Barometer (ODB) to justify their proposed changes:

We were frustrated to learn that the UK Government has used its ranking in our Open Data Barometer in an effort to justify a move that could water down the Freedom of Information Act ... the ODB primarily measures the supply, use and impact of data in reusable formats and is not a comprehensive measure of government openness in the broader sense (Web Foundation 2015, July 20).

OGD advocates have taken this action in a jurisdiction where the FOI law has been amended to give people a right to request datasets that are not proactively published by the government. The challenge in the future is to observe whether OGD advocates are as active in defending FOI laws in jurisdictions where the FOI law does not explicitly support the OGD agenda.

Taking all these precedents into consideration, during the Open Government Partnership Global Summit 2015, held in the Mexico, a panel²⁴⁹ was organised to discuss all these ideas²⁵⁰ with both OGP

²⁴⁹ The author submitted two proposals to hold sessions on the similarities and divergences of these two communities (FOI and OGD). One of the sessions was held during Civil Society Day, This first conversation was also supported by the Regional Alliance on Freedom of Expression and Information, Avina Foundation and the

working groups. During that conversation most of the topics addressed by the panellists and participants reflected the topics mentioned previously as well as the features of each of these groups of NGOs. Even though some of the statements were made to trigger reaction and discussion, they were examples of the main preconceptions²⁵¹ as well as a clear portrayal of the differences in their vision and background, as shown in Table 16.

TABLE 16- Summary of the points discussed by FOI and OGP working group's representative at OGP Global Summit 2015

	FROM REPRESENTATIVES OF FOI WORKING GROUP	FROM REPRESENTATIVES OF OPEN DATA WORKING GROUP
Goals	Open Data community is focused on objectives such as innovation and economic growth but ignores accountability. Open Data initiatives do not make FOI legislation redundant.	Engagement and dialogue are intrinsic features of the open data, and not so much of the access to information field
Reactive and proactive transparency	The OGD community is based on data that is proactively published. It doesn't work on requesting access to politically sensitive data	Open Data serves multiple purposes while the FOI community usually focus on accountability, almost exclusively
Intermediaries and skills	Different sets of skills are needed to make use of information and data. According to Laura Neuman (Carter Center), intermediaries are necessary to make sense of the data in reusable formats while that is not	Intermediaries, as mentioned above, are necessary in both fields and not only to make use of data in reusable formats

OGP's Regional Civil Society Coordinator for Latin America. More information in Appendix 1.

²⁵⁰ The organisation of this session, as well as the workshop during the Civil Society Day, was part of the elements of action research for this thesis.

²⁵¹ An example of this is the need for intermediaries to make use of open data and not to request information or to understand the information obtained via ATI/FOI legislation. The difference is not the absence or need for intermediaries, but the knowledge/skills needed in each case (Fumega 2015, November 9).

	the case of access to information legislation (as well as the obtained information).	
Value added	-	Open data allows people to add value to the published data. Data is the raw material that can be used to generate value.

Although some comments from the panel appear superficial, they hide some important issues. Many of the actors within the FOI community feel that newcomers who work in the area of open data treat them as old school. Moreover, some FOI actors feel that the OGD community focuses more on technological and design aspects than on rights, which they consider most relevant to social justice and equity. While the comments rely on stereotypes, they highlight many of the differences in perspectives, attitudes and objectives of key players in both fields.

The OGP Global Summit 2015 panel, as well as all other sessions of the Summit, reaffirms many of the key points and differences set out in Chapters 3 and 4 and the differential relationships to ICT within these two areas. The FOI or OGP imprint originating from the differences between the international civil society organisations continues to have a profound influence upon the general transparency and openness developments.

While still in the early stages, there is a developing recognition of the value that each approach brings to the other community. However, they are both maintaining their unique elements, which make them focus on different

aspects of the information and data produced and/or commissioned by governments²⁵².

4. MOVING FORWARD – BOTH FIELDS

The main agreement between advocacy groups in both fields relates to the need to add provisions to current FOI legislation to allow for the requests and access of data in reusable formats. This agreement arrives after conceiving data as the raw material that can be turned into information. Thus, data is a necessary element to produce information. This clear connection limits the discussion on the need to add provisions to request and access data in reusable formats to the current legislation. The possibility to request data in reusable formats is part of the changes that developments in ICT have brought to every aspect of our lives.

Some other agreements coming from the sessions on the previously mentioned OGP Global Summit 2015 that inform this chapter are:

- **Uses**

There is a need for a space to share the story about the use of information and data. A common space to meet and promote the uses in both areas is an initiative that should be developed. Studies, reports and other

²⁵² The work behind this thesis aimed to contribute to build bridges between these two communities. In this sense, many activities were held in order to position the topic to be discussed by experts and practitioners with different backgrounds and roles in both fields. For a detailed list of the events see appendix 1.

assessments are very interesting but to give the data and information a context is important to help people relate to the topic. This can help in the promotion of the value of accessing government data and information. This can also assist civil society organisations working in these particular issues but also the public sector agencies that collect and publish such information and data.

- **Sectoral approach**

In most of these conversations, the involved actors are generalists on each agenda, FOI or OGD and they are in most cases unfamiliar with the use and needs of information and data in certain sectors such as health, education, to name a few. The need for sectoral conversations to include new actors is one of the topics discussed between advocates. In the case of Latin America, the area of human rights protection was highlighted. A large number of countries in the region, including the host of the Global Summit 2015, have enormous difficulties in the area of protection of those rights. This, like many other examples, could be a starting point for strengthening the relationship and communication between the communities of FOI and OGD.

There is much more important research, assessment and analysis to be done on both the OGD and FOI fields. As clearly portrayed in the previous paragraphs, in addition to the conceptual research there is a need to complement this with more action-based research in order to build bridges between the FOI and the OGD communities. This should include

cooperation between the FOI and OGD to develop formats for disclosure (Robinson, Yu, et al. 2009), clear licenses for the use (De Rosnay 2010, Solda-Kutzmann 2011) and proactive disclosure of more politically and policy sensitive information including datasets (Yu and Robinson 2012). A major area that needs to be addressed is to solve accountability problems with new tools. These are all tasks that require a much closer collaboration from these two groups (Fumega 2013, September 22).

The overlap and interactions with privacy issues is one area that offers some grounds for further collaboration. FOI has developed close links with privacy/data protection specialists, as all FOI regimes need to navigate the boundary between appropriate disclosure of government-held information and what would be inappropriate disclosure of personal information about third parties (Tisné 2015, June 10). The OGD technologists who are working to derive valuable insights from datasets face similar privacy issues. Thus, there are connections that can be fostered. There are many controversies, such as the publication on gun-ownership information²⁵³ at a US newspaper (Ingram 2012, December 27) to be resolved. There is also scope to explore collaboration on improvements to copyright and intellectual property legislation (De Rosnay 2010). There seems little

²⁵³ An ODDC post from 2013 clearly portrays the case:
'The register of gun ownership had long been a public document, but it had been in the form of documents that could be inspected rather than as a dataset. The conversion of this public register into open data which could be easily mapped created a strong backlash: law enforcement officials worried that their addresses had been revealed online, and those with and without guns expressing concerns that the information could be used by burglars to target particular houses. The accuracy of the record was also questioned, and it was suggested that much of the information was misleading or wrong.' Open Data in Developing Countries (2013, August 4).

reason why the rights to reuse data should be greater than the right to reuse information obtained via FOI requests.

Similarly, there needs to be collaboration on the question of file formats. While the formats and mechanisms needed by OGD practitioners may differ from those needed by FOI requesters, the latter are still subject to risks of not being able to use disclosed information if it is provided in a closed file format. This relationship between FOI and the bulk access to data and metadata, for example, has already been included in Roberts' *Blacked Out* (2006). The access and analysis of metadata has the potential to provide insights into the performance of governments that might not be possible to apprehend by accessing official documents' (Roberts 2006 pp. 220-221).

There is also a critical need to understand how the mechanisms of access and reuse are being employed. Despite some research in terms of the users of certain types of information and open data (Worthy 2015, August 11), further research is needed to develop a framework to allow for a global systematic assessment on the use of a government information and data.

While the OGD movement may not have exhausted all the technical and legal issues around datasets that are published proactively, practitioners are seeking access to datasets that their governments are unwilling to

publish, or it is already published but in closed formats²⁵⁴. Thus, the most likely area of collaboration between FOI and OGD communities will arise around the issue of gaining access to datasets that governments do not wish to proactively publish, generally for reasons of political sensitivity. It is here that the decades of experience built up by the FOI community can assist the OGD community. Creating a physical and intellectual space for these FOI and OGD actors to come together to talk with each other can foster this collaboration.

Despite the efforts made in the last decade, there is much to do and a significant distance to be covered. Far more will be achieved with far greater efficiency if both FOI and OGD communities invest in the attempt to develop a shared learning and research agenda. This will not only deliver more coherent and effective research outputs, but also build crucial bridges between the two communities.

5. CONCLUSIONS

This chapter provides an overview of some of the major debates and the main sources of disagreement between main civil society actors in these two interconnected fields. In spite of a growing recognition of the

²⁵⁴ One clear example relates to an Argentinean software developer, Manuel Aristarán, who built, back in 2010, “Bahia Blanca’s public expenditure” <<http://gastopublicobahiense.org/>> The site (one of the first open government data projects in Argentina) pulled out the public expenditure data (there was no open data portal or initiative at that time in Argentina) and added it visualisation to facilitate the experience for the user (Fumega 2013). After some controversies and resistance (the government restricted the automatic access and extraction) by the local government, during 2011, but a few years later the problems were solved and the local government even awarded Aristarán for his contribution. La Nación Data (2013, April 3).

advantages of joint projects, there is still some resistance among these actors in these two areas. The close observation of the main features of the most prominent international organisations in FOI and OGD offer the elements to understand the rationale in each field.

Those disagreements are not easily understood without the analysis of the twofold influence of ICT over these two groups, FOI and OGD international organisations. There are significant changes in the organisations in both fields throughout the years, in particular FOI as it presents a longer history in comparison to the OGD field. Those changes have been highly influenced by developments in ICT. However, these developments have not equally affected all fields and actors. In this changing environment, this chapter has focused on the differential impact of ICT upon FOI and OGD organisations. These observations allow for a better understanding of the divergences between these actors.

The impact of ICT in these two fields is crucial in the understanding of the influence of these technological influences over civil society organisations. This overview of INGOs in these two fields works in conjunction with the analysis of the current organisational structures, which is detailed in the following chapter.

1. INTRODUCTION

The literature has shown that ICT has had a profound impact on the structure of all organisations, from businesses (Molone, Yates et al. 1987, Gurbaxani and Whang 1991, Fulk and DeSanctis 1995, den Hengst and Sol 2001, Gustafsson, Franke et al. 2008) to the US army (McChrystal, Silverman et al. 2015). In this thesis, the influence of ICT is key to understanding the differences in the operating methods, goals, and activities of organisations engaged in the fields of FOI and OGD.

Furthermore, within these complex sets of actors, there are key differences between those organically and intellectually shaped to operate in a digitally dominated environment and those more traditional organisations that are just starting to adapt themselves to operating in that digital environment. An exploration of the crucial impact of ICT on organisations operating in the fields of FOI and OGD has provided a clearer understanding of the rationale behind current debates between FOI and OGD organisations. This current chapter allows for a better understanding of the influence of ICT on organisational structures, using examples from each of the fields.

Developments in ICT, in terms of daily communications and connective capacity, have had an important but variable influence over definitions of,

and approaches to civil society organisations. This influence has extended to both the means of communication and the organisational structure. There is a second type of impact arising from ICT developments on OGD organisations in which the philosophical background associated with civic hackers permeated their activities, their organisational structures and their engagement with peers and governments. In this changing environment, a more effective and dynamic model of analysis is required to better understand the complexity of these international civil society organisations

The analysis in the previous chapters of this thesis has established that the current literature on international civil society organisations is limited. In contrast to the prevailing literature and specifically in relation to organisations working with FOI and OGD, in addition to the out-dated and limited definitions for analysing NGOs organisations in the international arena, there is the added and more significant variable of ICT. In this context, this chapter first, analyses and compares the changing definitions of, and from, FOI to OGD organisational structures, from bureaucratic to post-bureaucratic ones, as well as the impact of ICT on those structures. Second, the chapter focuses on the key actors working on the FOI and OGD agendas.

This thesis critically examines the transformations during the past few decades in INGOs advocating for greater access and use of governmental information. Thus, future research should focus, with this analytical foundation, on the future structures and roles of these organisations as

well as other actors in the government- held information and data ecosystem. In addition to a request to keep working on a more accurate and positive definition of international and domestic NGOs, in the last pages of this chapter, some suggestions for further research are included.

2. SETTING THE PROBLEM

The profound but variable impact of ICT on the operations and structures of civil society organisations in the areas of FOI and OGD compounds the ambiguity and definitional problems in trying to further analyse the role of these organisations. Alston (2005 p.3) uses a clear analogy, the 'not a cat' syndrome, to express the difficulties in finding concepts to fully encapsulate the main features of civil society actors. Following this analogy, NGOs are generally defined by negation of some features e.g. they are not run by government or driven by profit. Alston's 'equation' can be extended, beyond international law and human rights groups, to FOI and OGD organisations. The problem is more than just an issue of vague definitions but includes the impact upon the understanding of the influence, operations and activities of international NGOs in these two fields.

The impact of ICT on an extensive range of communications and interaction compounds these definitional difficulties. ICT has offered a new set of tools that have both modified the way government and citizens

interact, as part of e-government reforms²⁵⁵ and influenced the way citizens, activists, advocates and organisations relate and interact, e.g., how civil society organisations engage with other groups and individuals in a particular field, via formal and informal networks and alliances and how their structures function and daily routines. Previously the range, type and speed of interactions between independent individuals and groups, as well as permanent staff, directly limited or modified the level and type of collaboration available or feasible. These limitations were compounded by different locations and time zones.

In an increasingly interconnected world, a Network Society (Castells 1996) or a Global Village (McLuhan 1962), new tools and structures are developed to overcome new obstacles. Research about international NGOs has focused on the genesis of these transnational/international organisations and in their broad relationship with governments. In contrast the focus of this thesis is on the nature of the relationship between and within these organisations in an increasingly digital and interconnected world. This thesis highlights not only the need for further exploration in general about civil society organisations but also to the need to develop analyses that more effectively deal with organisations working with informational resources.

²⁵⁵ These types of reforms are generally related to service automation, which implies the replacement of discretionary decision making by public officials with auditable software processes.

Multiple variables play a key role in defining international civil society actors. Chapters 4 and 5 demonstrated that the field of international NGOs, particularly those working with informational resources, has become more difficult to categorise. The core and expanding influence of ICT has increased this complexity. International organisations, together with networks and individuals, have adjusted their structure, skills and strategies to face these new features of their operating environment. Definitions and models based on a previous era of limited and delayed communication and restricted travel, as well as a predominance of hierarchical structures, require a more effective analytical approach. Ariza-Montes and Lucia-Casademunt (2014) noted that NGOs are moving too slowly in reacting to and adopting ICT tools and other innovations of the information age. This slowness he attributes to a range of factors including budgetary constraints, poor training, and insufficient technical support (Ariza-Montes and Lucia-Casademunt 2014). However, this condition does not apply to all organisations, or, at least, not to all informational resources-related organisations

The traditional treatment or depiction of NGOs as slow to adapt is dominant within the literature (Gurstein 2003, Choi 2004, Ariza-Montes and Lucia-Casademunt 2014). Yet this traditional depiction lacks accuracy for the OGD field and for an important subset of organisations in the FOI field. The analysis about the relationship and dynamics between the background, mission and structure of NGOs in the wider informational field, including FOI, OGD, privacy and records management to name a

few, requires further analysis. A focus on the impact of ICT and how FOI and OGD NGOs respond to that impact the variable response and utilisation of ICT tools adds insight into the analysis.

3. THE CONCEPTUAL FRAMEWORK

This thesis has demonstrated that there are significant differences between the operations of FOI and OGD international civil society organisations. These differences are important and complex and can only be partially explained by the differences presented between the fields in terms of background, vision and mission. The role of ICT, intrinsically connected to OGD, has permeated other fields including FOI, and thus these technological tools, and in particular their adoption by FOI organisations, provides some evidence for a greater explanation of similarities and divergences between the organisations.

The analysis in the previous chapters has highlighted how the vision and mission connected to the professional background of the staff of FOI and OGD organisations has linked with ICT developments. An appreciation of a clear difference between the two sets of organisations is a useful step in researching and understanding their roles in the development and promotion of FOI and OGD initiatives. Yet that simplistic analysis needs further refinement to fully appreciate the similarities and differences between the organisations in these two fields and the changes over time,

many induced or facilitated by ICT developments. The analysis of these organisations and their roles has been minimal. The literature on their role has been very general and scholars have treated those organisations as static entities despite the rapid changes in their operating environments since the early 1990s²⁵⁶.

In spite of the powerful influence of ICT over all the fields related to informational resources, FOI, OGD and NGO literature has been relatively silent on how organisations have reacted and/or responded to these ICT developments. Thus these fields offer almost no assistance in relation to analysing the impact of ICT. The more general not-for-profit literature is just as limited. In face of these limitations, there are some significant insights and potential analytical approaches that can be drawn on from a wider literature, especially in the area of management studies.

Management literature offers a model of analysis that provides a solution to this conceptual lacuna. The concept of post-bureaucratic organisations from the managerial literature provides a useful conceptual framework to more effectively observe and explain the divergences between the organisations examined in this thesis, and in particular, is able to capture or follow changes over time.

²⁵⁶ See Chapter 2, Section 2.1.1

3.1 Bureaucratic and post-bureaucratic organisations

Since late 1980s, from the end of the cold war to the beginnings of a Globalised World, management literature has strongly focused on the impact and influence of changes in information and communication technologies. This literature (Drucker 1988, Powell 1990, Heckscher and Donnellon 1994, Symon 2000, Grey and Garsten 2001) provides a key concept, post-bureaucratic organisations, that can assist in the analysis of the groups included in this thesis. The key value of this concept is not only that it provides elements to better understand the differences between FOI and OGD organisations but also it allows for a more detailed and nuanced understanding of the differences over time and within each of these two fields.

The passage from bureaucratic to post-bureaucratic organisation types, derived from the adaptation of the Weberian concept of bureaucracy (Weber 1954) to a new technology-dominated environment, sheds some light on the organisational changes since the late 1980s. It provides further approaches to analyse the international groups included in this thesis. Whilst management literature has deployed the concepts of bureaucratic to post-bureaucratic organisations largely in the context of business and marketplaces, the concepts can be applied to understanding international civil society groups as well. These concepts and theories were developed with economic organisations in mind. They are built around the relationship the organisations have with the market and with the process of globalisation and the economy (Kernaghan 2000).

The literature on business management places emphasis on the idea that these new types of organisations are not only a product of ICTs but also suggests the need to adapt and survive to a competitive market. It also suggests, in some cases, the necessity to fight against a networked enemy (McChrystal, Silverman et al. 2015). International and domestic NGOs, even though non-profit by definition, as they generally pursue philanthropic goals, also need to compete in their own specialised market. There is competition for funding, grants, wider donor support and backing, prestige and recognition from donors, intergovernmental organisations, such as the UN and World Bank, as well as country partners.

These organisations compete in the transparency field market not only for material resources but also for influence. Together with these material constraints and the need to adapt in order to survive²⁵⁷, these international NGOs, in particular, need to be part of regional or international clusters of independent organisations to exert greater pressure and produce better results. Thus, in many cases, they not only need to adapt to a more flexible structure because of budget constraints but also because of communication and engagement needs. Therefore, the use of models largely derived from a business or market environment is not necessarily problematic.

²⁵⁷ In particular when the number of civil society advocates increase and diversify as it is the case with the new OGD actors entering the transparency field – see Chapter 4.

The use of the categories of bureaucratic and post-bureaucratic helps to capture the impact of ICT and the transformative and dynamic role it plays within the organisations considered in this thesis. In particular, the concept of post-bureaucratic organisations and its emphasis on the impact of changes in ICT provides a useful explanatory framework for some of the important differences between these organisations and of the transformations experienced by some of these groups, especially in FOI. Whilst all bureaucratic and post-bureaucratic organisations are effected by technological changes, the nature and magnitude of that response is discernibly different. Indeed a hallmark of post-bureaucratic organisations is the extent to which they are actually a product of technological changes and the associated and significant cultural changes that occur (Johnson, Wood et al. 2009).

Previous chapters focused on some of the main elements, particularly the content and activities of these international organisations. This analysis allowed for a greater awareness and understanding of civil society organisations in the two fields. The utilisation of the bureaucratic/post-bureaucratic categories, especially the post-bureaucratic concept, allows for a clear understanding of the differences between organisations, in particular FOI, because of the greater differential influence impact of ICT in this field in contrast to the far more pervasive influence of ICT on all OGD groups. This differential impact provides some key insights into better understanding the differences between organisations in the areas of

FOI and OGD, but in particular the differences among the organisations inside each field.

3.1.1 Structure

The concept of bureaucratic organisations, in relation to the well-known Weberian concept, describes hierarchical centralised organisations as those organisations focused on rules, procedures and maintenance of the status quo (Kernaghan 2000). A hierarchical organisation can be defined as a structure where every unit in the organisation, except one, is subordinated to a single other unit (Ariza-Montes and Lucia-Casademunt 2014). Thus, these organisations tend to have little room for innovation (McChrystal, Silverman et al. 2015). Therefore it is not surprising that international FOI groups have largely adopted this bureaucratic model. Dominated by personnel who were legally trained and focused on direct legislative law reform, they worked to deliver a fairly uniform product (See Snell and Macdonald 2015 p.687). In contrast, one of the main goals and drivers of the OGD groups is the pursuit of innovation and the achievement of a wide variety of outcomes. In this regard the concept of post-bureaucracy has greater utility to analyse OGD groups in general and the capacity to differentiate and deal with more recent FOI organisations that are more affected by ICT.

Post-bureaucracy is a very broad term (Grey and Garsten 2001). As Grey and Garsten (2001) note, this term conceals a great diversity of practices. Some authors define post-bureaucratic organisations as hybrids because

the term is used to describe a range of organisational changes, which are mainly a product of the influence of new channels of communication, as a refurbishment of bureaucracy (Josserand, Teo et al. 2006). However, the amount and importance of the changes allow it to be referred as a new form (Drucker 1988, Powell 1990, Heckscher and Donnellon 1994) and not just a hybrid.

Post-bureaucratic organisations present a more horizontal and distributed structure in comparison to the bureaucratic ideal (Drucker 1988, Powell 1990, Heckscher and Donnellon 1994). These organisations present a more flexible and adaptable structure to face a society with increasing levels of uncertainty and change, as defined by postmodern scholars, such as Harvey (1989), Giddens (1991), Beck (1992), Castells (1996), among others. Post-bureaucratic structures rise in parallel with the increasing influence of technology in communications and some of their features would be impossible without ICT developments (Drucker 1988, Powell 1990, Heckscher and Donnellon 1994, Grey and Garsten 2001).

Unlike bureaucratic organisations, the main features of post-bureaucracy forms include, the reduction of formal levels of hierarchy, an emphasis on flexibility and an increase use of sub-contracting, temporary work and the use of consultants rather than permanent and/or in-house expertise (Grey and Garsten 2001). All these aspects are closely tied to the development of ICTs, and in particular, the influence ICTs have in developing new forms of communication (Symon 2000).

3.1.2 Collaboration and networking

Another important feature of these organisations is the importance of collaboration between members (Mintzberg 1980, Hedlund, 1994, Gooderham and Ulset 2002, Josserand 2004). These changes allow organisational learning to increase (Starbuck 1992, Nonaka 1994, Foss 2002) and, thus, lead to more innovative and flexible structures. Thus, some authors (Powell 1990, Nohria 1992, Contractor, Wasseman et al. 2006) put the emphasis on this particular characteristic of post-bureaucratic organisations and refer to them as network organisations. The availability of easier and faster channels of communications between and within organisations is one of the main explanatory elements to better understand the diverse group of organisations included in this thesis.

From the 1980s to the present, ICT and these new structures have grown in parallel. Developments in ICT have allowed the extension of the scale and scope of communications between organisations and individuals 'into new entities that can create products or services' (Contractor, Wasseman et al. 2006 p.682). Thus, organisations, since then, have slowly started to structure themselves in a flatter and leaner way. These new structures also have allowed for more innovation and adaptability to the in the environment (Symon 2000, McChrystal, Silverman et al. 2015). All these features are defined in contrast with the vertically oriented bureaucratic organisations (Powell 1990, Nohria 1992) characterised by most FOI groups. Bureaucratic organisations are aimed to achieve efficiency, however, in these new ICT environments, fast pace changes are required

not only for efficiency but also adaptability (McChrystal, Silverman et al. 2015).

This concept of Network Organisation emphasises intra and inter organisational interrelation and collaboration. One of the main characteristics of collaboration in the OGD community is that it has been strengthened by the developments in ICTs. These technologies have allowed for a quicker and easier communication channels and options, changing the way in which some organisations structure their daily routines. This emphasis on information and communication technology allows a better explanation of the relationship between this concept and the main features of organisations working with informational resources, such as FOI and OGD groups.

This idea of a post-bureaucratic network organisation is also closely associated to the concept of virtual teams, unthinkable a couple of decades ago. Lipnack and Stamps have defined these 'teams' (organisations) as independent nodes, people and groups, working together for a common purpose (Lipnack and Stamps 1994 p.173). Currently, these nodes, or teams, could be located in different places and time zones. They can communicate and interact with other groups as well as within themselves, in most cases by virtual channels.

These new organisational structures present different labels according to different authors. In a presentation on Network Organisational Forms,

Heinz (2006) identified a few examples such as Virtual Organisations (Markus, Manville et al. 2000), Horizontal Organisation (Castells 1996), Hybrid organisations (Powell 1987) Dynamic Networks (Miles and Snow 1986), and Post-industrial Organisations (Huber 1984). However, the main features that prevail in all these concepts are the relationship between nodes and the autonomy of the parts of the organisation and/or network. By enhancing these relationships, ICT developments play a key role.

The independence of those nodes and individuals is a key characteristic of these post-bureaucratic/network organisations. In addition to formal arrangements, these nodes are sometimes connected together by informal networks and the demands of the task, rather than by a formal organisational structure. To sum up, the post-bureaucratic/network organisations prioritise a soft structure of relationships rather than strict reporting lines and structures (Hall 2013).

4. APPLYING THE FRAMEWORK TO CONCRETE EXAMPLES

International NGOs working on FOI and OGD present many shared elements and interests. There are also many divergences, mostly based on the main professional background of their staff, their type of engagement, and their main activities²⁵⁸. These divergences are linked to the concepts that were previously explored, as shown in Table 11 in

²⁵⁸ The implications of these differences for current debates and the scarcity of joint projects in important issues such as privacy, copyright and formats, to name a few, as presented in Chapter 5 Section 3.

Chapter 5. However, these differences in the organisational structures and performance can also be explained by their correspondence to two ideal types, bureaucratic and post-bureaucratic organisations.

These ideal types as analytical conceptual constructs (Weber 1978) allow for a better understanding of some of the changes that FOI and OGD organisations have experienced in the past few years. Even though as real organisations they do not fit with all the criteria of these models, there are several elements from these abstract constructions that can be recognised in FOI and OGD organisations, as shown in Table 17. Hierarchically organised structures versus the predominance of networks, complex organised procedures versus organisations that need to adapt to a rapidly changing environment, these are all features that are linked to the bureaucratic and post-bureaucratic organisations' ideal types. The analysis allows for a better understanding of the differences between some of the organisations working with FOI and OGD as well as the importance of ICT developments in those differences.

TABLE 17- Differences between FOI and OGD organisations according to ideal types

Variables	FOI organisations	OGD organisations
Ideal type	Bureaucratic	Post- bureaucratic
Structure	Hierarchical	Networked
Example	TI	OKFN

A large organisation such as TI, one of the FOI oriented groups included in this thesis, can be easily placed close to the ideal type of bureaucratic organisations. TI is a large, in comparison to other civil society organisations, and highly structured unit. The size and complexity of tasks clearly correspond with the structure of a highly bureaucratised organisation. The number of permanent staff, its permanent headquarters in Berlin, the amount of administrative procedures attached to four separate Director's Office, as well as more than twenty units within those four offices all correspond to the main features of a bureaucratic/hierarchical organisation, as shown in Figure 6 in Chapter 5.

In contrast, OKFN presents a strong leadership, a more decentralised structure, including remote work without a central headquarters. The organisational structure of these two organisations reflects the way the staff of each group relates to each other, in some cases remotely. It also demonstrates the way that the organisations relate to their beneficiaries/clients. Despite some of the clear references to the ideal types, bureaucratic and post-bureaucratic, none of the organisations fits entirely the description of these ideal types.

Not all the cases are so clear as the examples of TI and OKFN, demonstrate in Figure 13. Furthermore, FOI and OGD organisations, included in this thesis, present shades of those ideal types extrapolated from the business world.

FIGURE 13. Examples of organisations in the spectrum bureaucratic- post-bureaucratic



One of the main features that slightly differentiates TI from the typical bureaucratic organisation is its engagement structure with many independent organisations in the world. Unlike TI, Article 19, since 2007, has developed a small number of branches to cover regional programs. Employees in each of those regional programmes work closely with the staff in its headquarters in London. Despite the bureaucratic structure adopted by Article 19, the regionalisation of their work can be analysed as one step closer to post-bureaucratic forms, even though they are still very far from the post-bureaucratic side of the spectrum. The small number of employees, in comparison to larger organisations, also implies less structural complexity than faced, for example, by Transparency International. In comparison, CHRI presents an even smaller size and

number of branches. Despite its small size, it still presents a structure that can be closely associated with bureaucratic organisations, a HQ based in India, 2 dependent branches, and permanent staff. These organisations that are supposedly working in the same field with similar approaches differ on their vision and acknowledge the differential influence of ICT developments in apparently similar organisations.

The Carter Center Access to Information Program and the Centre for Law and Democracy, despite their importance and undeniable influence in the field, are too small to be classified in the same way as the previous organisations. The first one is a program within a larger organisation and the latter organisation is without branches or other affiliated groups.

These two groups could be placed closer to the OGD groups, however there are some reasons not to do so. In the case of the Carter Center, its ATI program is just a unit, however it is located within a large organisation, with a HQ in Atlanta, which can be clearly defined as closer to the bureaucratic model. The Centre for Law and Democracy, on the other hand, is a very small organisation but despite that smallness, their main staff are located in a permanent office in Halifax, Canada. However, it is also important to notice that in some cases, they collaborate with other organisations and groups on a project-basis. Because of these characteristics this organisation is located further from the ideal bureaucratic type on the spectrum. It is closer to a post-bureaucratic type than an organisation working with ICT in most of their activities such as

Sunlight Foundation. Thus, these organisations, from TI to the Centre for Law and Democracy all differ regarding size and complexity, as observed in Figure 6 in Chapter 5. These differences can be appreciated as an analytical framework.

The OGD movement, as in the FOI field, also presents differences between the structures of their organisations. This complexity is a product of the varied influence of ICT, the diverse approaches to the OGD topic, as well as their relatively short organisational life. Some of these organisations such as the OFKN are located closer to the post-bureaucratic/network type. OKFN provides a clear example of a more horizontal structure, without permanent large offices and/or HQ. Most of their employees work remotely from a myriad of cities and/or countries as well as different time zones. Next to OKFN, but not so close on the spectrum to the ideal post-bureaucratic type, is the Web Foundation because it has central offices and two permanent labs in Asia and Africa, even though some of their staff also works remotely.

Longevity is a key component to consider not only for OGD but also for FOI organisations. Most OGD organisations have existed for less than ten years and are still in the process of adaption. The Web Foundation opened their labs in Asia and Africa during 2014 and 2015, after the research exercise 'Exploring the Emerging Impacts of Open Data in Developing Countries' programme, which provides the organisation with vital information on those two regions. My Society is going through a

process of transition with the change of Executive Director, after its founder, Tom Steinberg, stepped down from the position in early 2015 (Steinberg 2015, March 2). OKFN also has gone through some organisational changes with a new CEO, Pavel Richter, in early 2015, as well as some other changes in their staff (Open Knowledge 2014, September 18 and 2015, April 29). The Sunlight Foundation is also experiencing some changes in their leadership as John Wonderlich, who has long led Sunlight's Policy Group, is currently acting as interim Executive Director (Klein 2016, January 4).²⁵⁹

Despite a short institutional existence, the OGD organisations seem ultra responsive to changing operating environments. Therefore the positioning depicted in Figure 13 may not be accurate. In contrast, FOI international civil society organisations are still relatively stable and predictable. The relationship between these changes and the pursuit of funds, competition over missions/work areas, the impact of new leadership are unknown. It is still early days to visualise long-term trends but these are all topics that might need further research in the future.

5. ICT THE KEY FACTOR OF CHANGE?

There are different approaches to the role of technology in these new post-bureaucratic organisational forms. Technological developments in communications and information management have clearly affected the

²⁵⁹ Ellen Miller served as Executive Director for 8 years. In September 2014 she announced her retirement from that role. Christ Gate was selected to take that role and served for less than 2 years.

way in which organisations engage with each other as well as structure of those organisations. The study of these developments can be approached either from the perspective of these developments or from the perspective of organisational behaviour. Some authors, such as Nohria and Eccles (1992) put the emphasis on the role of ICT as an enabler for transformation in the organisations, increasing their levels of flexibility as well as a facilitating a more informal exchange between nodes, in terms of intra and/or inter organisational networks.²⁶⁰ According to these authors these organisational modes of operation are all made possible because of developments in the ICT field.

In contrast, DeSanctis and Fulk (1999) approach these changes by putting the emphasis on the new organisational forms. According to these authors, ICT developments have been designed and/or modified to support these new ways of organisation (DeSanctis and Fulk 1999). In this thesis, the main lesson extracted from the literature supported by concrete examples is that these organisational changes and the developments in ICT are closely interconnected. These interconnections explored in previous chapters, include characteristics such as the remote offices for OKFN and Web Society, geographically disperse structures and refined and reduced structures like the Center for Law and Democracy.

²⁶⁰ Common misguided assumption: network organisations = electronic networks For more information, see: Noria and Eccles (1992).

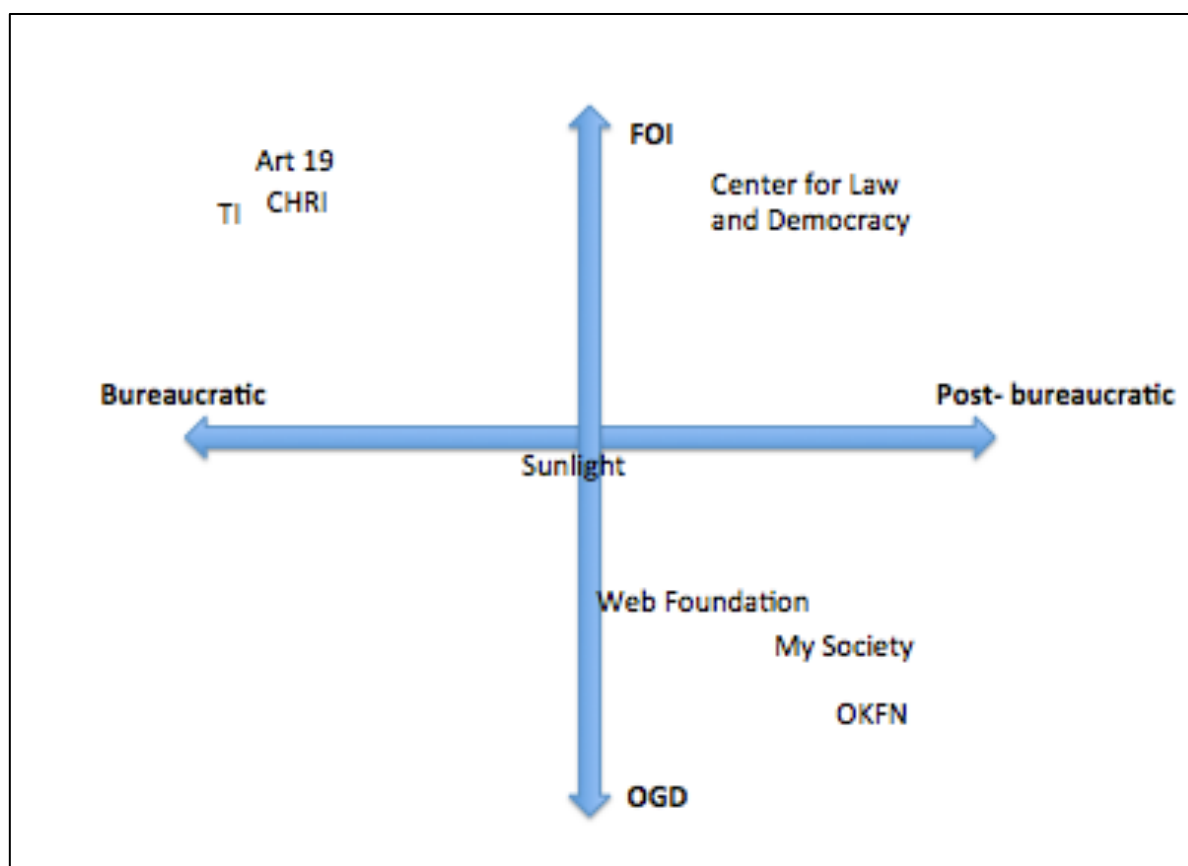
Some of the organisations included in this thesis correspond with the idea that there are connections between the background, mission and vision of the organisations and the way in which they are structured and how they engage with other organisations and governments. However, some groups do not entirely match this assumption, as shown in Figure 14. Therefore rather than using a simple dual categorisation of either bureaucratic or post-bureaucratic on the continuum between bureaucracy and post-bureaucracy organisational, alternative methods should be used.

Differences between organisations were analysed in previous chapters through the lens of the professional background of the founders and main staff in each of the organisations. In Chapter 4 the strong legal background and its influence over their main activities as well as their staff is highlighted as one of the main differences that FOI presents when compared to OGD organisations.

In contrast, the influence of ICT and the hackers' ethic upon OGD groups has allowed for a greater understanding of their main activities as well as the arrangements in terms of structure and engagement. These differences have allowed for a better understanding of these two related fields. Yet, as Figure 14 demonstrates, differences simply in professional backgrounds and philosophical backgrounds, explored in Chapters 4 and 5, fail to provide a full explanation of the heterogeneous array of international organisations working with governmental information resources. The difference, in terms of legal backgrounds between FOI and

OGD groups, is a useful initial generalisation but it fails to adequately or completely unpack the differences and changes over time between these two organisations.

FIGURE 14- Background and structure



There are many reasons for the differences between these two groups of organisations, yet their year of creation and the level and type of ICT capacity in their formative years is one key factor. The next section demonstrates the insights that can be gained through using the lens of ICT

developments to examine many of the key differences between FOI and OGD organisations and the organisation of each of these two fields.

5.1 ICT in the FOI field

The legal background of FOI organisations, in contrast to a more heterogeneous but technology-oriented staffing in OGD groups, influences not only the way in which these organisations are structured but also how they interact and engage with other organisations, including client governments. This law reform focus, which includes the enactment and implementation of the legislation of many FOI groups has lead them, until recently, not to focus beyond the paper-based, static version of FOI (Roberts 2006).

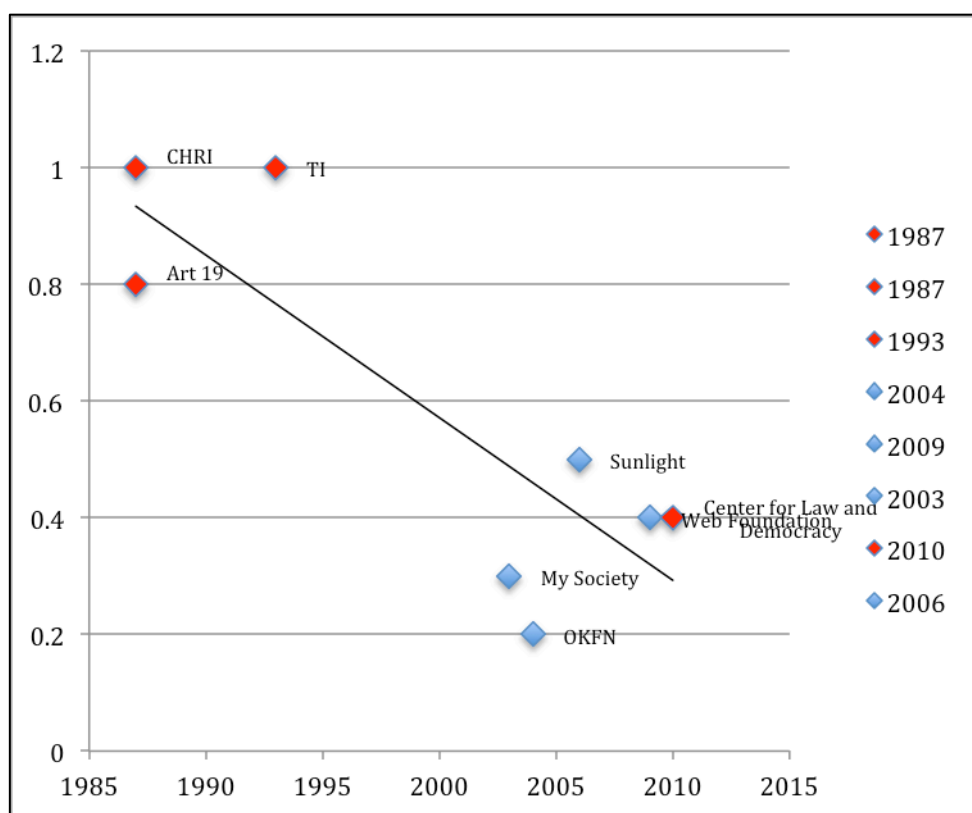
However, rapid changes in the available technology, in particular regarding the information management field have permeated the agenda of newly created FOI organisations. These groups were formed in recent years. The Center for Law and Democracy has a legally dominated imprint and they found themselves needing to operate in a digital and dynamic information environment. These groups have been created in the light of the mass diffusion of ICT tools and thus the penetration of ICT related changes is more evident than in the other FOI groups that have a longer history and larger and more bureaucratic structures. As mentioned in the previous chapter, the twofold impact of ICT has permeated these organisations in one sphere: the tools these organisations now use to communicate and engage with their constituencies have experienced

changes. However, the philosophy behind developers and many OGD organisations has not influenced these FOI groups.

The assumptions about the nature of legal oriented groups are challenged by some of the groups working on FOI that were created less than a decade ago. The ICT influence over these newly created FOI organisations was too difficult to ignore, resulting in organisations with a more flexible structure. Thus the Center for Law and Democracy presents a strong legal background informed by the professional background of its founder, however, it presents a much more adaptable and flexible structure.

In Figure 15, there is a clear difference between the weak and strong influence of ICT in how these organisations structure the internal and external dissemination of knowledge. In particular, these different levels of influence are clearly associated with the year these organisations were created.

FIGURE 15- Year of creation of each organisation and the correspondence with post-bureaucracy structure



In the FOI field, where most of the organisations were created in late 1980s and early 1990s, the rights-based approach within a bureaucratic style of organisation has dominated. The exception to that rule seems to be embodied by those organisations created during the new century when the ICT influence become much more difficult to ignore and where, for an organisation, adaptability is as necessary as efficiency (McChrystal, Silverman et al. 2015).

Looking at the examples, FOI organisations created recently tend to adopt a more flexible structure. An example is the Centre for Law and Democracy. This organisation is composed of a small number of professionals and they are involved in different collaborative projects with other organisations including the domain of FOI expanded to other rights-based and ICT areas such as the digital rights' agenda. Technological developments have permeated all forms of communication and information management but they have not altered, so far, the philosophical and professional background of FOI organisations. The strong rights-based focus remains unalterable.

Access Info Europe, a regional organisation, presents a clear example of one organisation that it is still focused on the rights-based approach to Freedom of Information but it has also understood the key influence of ICT in all the initiatives and policies related to the disclosure of information. They have been one of the organisations more connected to the OGD movement²⁶¹. In 2011, the collaboration between organisations in these two fields was unusual. The resistance of these actors to engaging with each other was analysed in Chapter 6 Section 3, in particular FOI advocates' comments included in Hogge (2010 p.19) report as well as Eaves' opinions in the context of the ICIC 2011, reported by Toby McIntosh in Freedominfo.org (2011, October 6).

²⁶¹ As already mentioned, they have prepared a report back in 2011, together with OKFN, to clarify some concepts on the similarities and divergences of FOI and OGD

5.2 ICT In OGD organisations

In contrast to the more traditionally structured FOI organisations from the 1980s and 1990s, most OGD groups were created post 2005. In this group the main factor of differentiation is the approach to the topic. In all cases, from OKFN to Sunlight Foundation, the technological component is inherent in their daily routines and projects. The Sunlight's approach is closer to a traditional transparency and accountability focus to the broader OKFN's interest on issues related to openness in all areas. As established in Chapter 5 Section 5, this centrality of ICT clearly affects not only their projects and activities but also their structure.

Organisations such as Sunlight focus on the demand for government accountability. They tend to structure their approach in a similar fashion to the traditional FOI organisations. A rights-based approach, mixed with the work with data in digital formats, positions them closer to a watchdog of governments, rather than as a collaborative partner. The latter has been the case of a more classic networked organisation such as OKFN.

The transformational influence of ICT in terms of organisational structures is still more marked than in most FOI organisations. Thus, in terms of the structure all these OGD organisations tend to be more flexible. Sunlight Foundation is the organisation that not only continues a more traditional approach to its activities but also maintains a more traditional hierarchical structure. In contrast, organisations such as OKFN operate not only with a flatter and more flexible structure, but also works with a remote system of

work, as shown in Figure 11 in Chapter 5. Thus, they present more flexibility in terms of geographical location and schedules. This flexible structure is a product of the possibility that new ICT tools provide in terms of remote work and the influence of the hackers' culture.

Summing up, ICT is a key enabler of new ways of communication. However, the philosophy behind the mission and vision of these organisations are as relevant as key elements to new organisational forms. This relates to the ICT twofold developments, which have supported and facilitated new organisational practices, by providing new ways and channels of communication and information management. However, in some cases, these practices go further than providing the tools, and they imply philosophical and culture elements, such as in the examples provided by OGD organisations.

6. ADAPTABILITY: THE WORD OF THE MOMENT

This thesis has demonstrated that ICT has affected information management-related fields included in this thesis as well as permeating most channels of communications. There are also potential consequences, and opportunities for further research, in other information-related fields such as privacy and records managements. Despite the increasing number of communication and information management's

tools²⁶² and the way in which they have transformed organisations in all fields, this topic has not attracted interest from FOI and/or OGD scholars. Furthermore, the impact of those changes in the connection, or lack of it, between these two fields has not been explored so far²⁶³.

The literature, in FOI and OGD as well as civil society organisations fields, approaches these actors as a homogeneous and static set. As previously mentioned, civil society organisations and particularly international NGOs for this thesis are a heterogeneous group. Furthermore, differences between organisations in these two fields arise from a diversity of drivers (Janssen 2012).

ICT has proved to be the facilitator for mayor changes in communication and information management. Thus, despite the fact that organisational changes are particularly noticeable in FOI and OGD fields, they are intrinsically connected to the changes in how information and data is handled, including by governments and civil society organisations. However, these trends could also be translated to other fields, as people deal with information and data in all sorts of ways to perform the most trivial tasks. Organisations in most other fields might not adopt the hackers

²⁶² From computers, mobile phones, and all sort of devices, to Web technology, wireless communications and plenty of applications

²⁶³ The action-research process of this thesis has provided several opportunities to discuss the lack of dialogue and understanding between actors (in particular, civil society organisations). The topic has attracted the attention of practitioners from both fields (see appendix 1), however scholars, with the clear exception of Janssen (2012), have not covered the topic so far. Janssen provides a first look at the relationship of these two fields by focusing on the different drivers each community pursues. She describes some of the differences between FOI and OGD civil society actors but she does not go beyond an homogeneous description of each field. (Janssen 2012)

philosophical spirit that some of the OGD organisation embodied, as explored in Chapter 5 Section 3.1, but they are moving towards more flexible and adaptable structures, taking advantage of the new developments which face, among other issues, budget constraints, as some newly created FOI organisations clearly demonstrate.

The new organisations, in the context of a network society, tend to work in closer collaboration with others, outside and within organisations. Thus, flatter structures and quicker/easier channels of communication are necessary. In this sense, changes in ICT, which are rapidly evolving, are the cause and result at the same time. This trend does not imply that all organisations and FOI and OGD organisations in particular, will adopt a post-bureaucracy ideal type, however, regardless of the type of organisations, they are all adapting their style of engaging and working with others so they are not left behind. FOI organisations, especially the ones created during the 20th century, are a clear example that all organisations, in spite of their organisational model, need to adapt to the new tools and new ways of engaging and communicating. Thus, not all organisations will adopt post-bureaucratic structures. Due to the strong influence of ICT, however, all the organisations present some features that can be easily related to the new organisational form.

The adaptation to new ways of engaging is clearly portrayed by organisations such as the Centre for Law and the Democracy and Sunlight Foundation. These two organisations focus on different topics and

approaches to government information and data. Despite their differences, they have many common features. They are two organisations that have been created in the 21st century and they are both focused on demanding accountability and greater transparency. As a newer and smaller organisation, contrary to the usual preconceptions towards legalistic oriented organisations, The Centre for Law and Democracy is a clear example of an international organisation that understands that, despite budget, human resources and other limitations, technological tools allow for a very small team to work in several international projects in temporary alliance with other individual professionals and organisations.

Although the concepts of bureaucratic and post-bureaucratic organisations have been developed within the business field and with large companies in mind, most of the features and ideas are clearly adaptable to the civil society sphere. Despite the differences between corporations and civil society organisations, the limitations provided by the necessity of delivering outputs to fulfil their mission are common to both types of organisations. Businesses need to adapt to their context to face new competition in a changing market. Similar needs apply to the international groups included in this thesis.

INGOs also need to compete in their own specialised market. Thus, civil society organisations, from FOI as well as OGD, need, even more than their counterparts in the business world, to adapt to changing circumstances and demands for new or additional resources. These civil

society organisations, in particular FOI groups, relied on grants and a variety of donors to develop and organise their advocacy activities. Unlike some of the OGD organisations, most of these rights-based organisations do not rely on selling services to raise funds. In this context, innovation and change and thus the possibility to adapt, are important features that are increasingly important for organisations in a rapidly changing environment.

The key point, which requires further exploration for future researchers, is how these FOI organisations adapt to the new channels of communications and information management. Despite the importance of having FOI legislation and the more traditional advocacy approach, it is important to question the ability to adapt. The principles behind the right that allows the public to access and use government-held and produced information and data will probably remain unaffected for the next few years. However, the channels and tools to access and make use of those resources are rapidly changing. The ability of the rights-based FOI organisations, in particular, to adapt to this changing environment and to adopt new tools and channels will determine the future of the field, or at least their role in the informational resources ecosystem.

Adding to that crucial point, it is still to be seen if these FOI organizations will pursue new sources of funding. This is important as depending on donors not only makes them, as mentioned in Chapter 4, susceptible to

their demands but also as other topics gain momentum they might lose donor's interest in the agenda.

8. FINAL REMARKS AND IDEAS FOR FUTURE RESEARCH

1. INTRODUCTION

This thesis addressed the differential impact of ICT developments on the transformations of key international advocacy actors working towards a greater access, use and reuse of government-held and produced information and data. Scholars in both, Freedom of Information and Open Government Data, fields have neglected these international civil society organisations and this thesis contributes to filling this gap regarding these crucial stakeholders in the governmental informational resources ecosystem.

This study, by addressing that differential ICT influence, leads to further insights relating to the OGD and FOI fields, as well as contributes to the analysis in other information-related areas. First, this focus allowed a greater appreciation of the divide, and even disagreement, between two sets of international advocacy groups working in the general area of accessing government information and data. A follow on from a greater awareness of both the divide and the degree of distance between these groups provided the analytical foundations to consider joint efforts between these key international actors in the near future. Secondly, the analytical overview of the influence of ICT developments on FOI and OGD international advocacy groups provided the bases to develop a greater comprehension of the changes that international actors have been

experiencing in other information-related fields, e.g. privacy, records managements, to name a few major examples.

2. THE ANALYSIS OF INTERNATIONAL NGOS IN FOI AND OGD

FOI and OGD are two of the most significant changes in governmental information handling in the late and early 20th and 21st centuries. In spite of this importance, critical gaps were found in the literature of both fields and supported the need for further research. In particular, Chapter 2 established that there was a significant information gap about the international NGOs that form two sets of key players in the diffusion of FOI and OGD.

Scholars in both fields, FOI and OGD, have neglected these international civil society organisations and this thesis contributes to filling this gap regarding these crucial stakeholders in governmental informational resources ecosystem. First, the academic literature until the very recent indirect coverage by a new generation of scholars, overlooked the role played by INGOs or simply included them in a wider and more general classification of other actors, with little or no differentiation, including media and domestic NGOs as one homogeneous and static sector. Second, this minimal academic coverage also prevented a deeper understanding of the changes taking place over time between these two groups and within the two fields. In particular, the FOI literature has failed

to analyse correlations, impacts and relationships between the operations of INGOs and key phases in that field; this experience is now being repeated in the area of OGD.

Within the FOI literature, this thesis is a second generational study of the role of civil society organisations, in particular INGOs, in the dramatic switch towards an aspirational demand for more open access to government information at all levels. The first generation of studies uncritically accepted civil society as contributors in this shift, but rarely as central actors nor with any sustained attempt to study those organisations in detail. This study has accepted that INGOs have been major actors in this move towards global governmental transparency and focused on trying to provide some of that detail and ways of understanding and encapsulating the differences between various organization in terms of methods, approaches, structures as well as regarding different information environments. A further set of studies will be needed to explore the dynamics, precise patterns of engagements and interplay between the INGOs, international organisations, nation states and domestic civil society in these two governmental information areas to complement the current literature in both the FOI and OGD fields. In this context, a new set of research studies covering both information-related areas are needed to complement this current thesis, as well as some of the incipient literature such as Janssen (2012) and the advocacy-driven reports such as Hogge (2010) and Access-Info and Open Knowledge (2010)

Chapter 3 identified another important gap in terms of these international groups. Existing models of analysis and classification of civil society organisations made the task of this thesis more difficult, including the limitations provided by the absence of a positive - as explained by Alston (2005) analogy- and a comprehensive definition of these civil society actors in a changing environment (Chapter 7 Section 2). In the face of these restrictions, this study offered an analytical framework to better understand and comprehend these actors.

Chapters 4 and 5 contributed to the understanding of the main INGOs in both information-related areas by focusing on three main features (content, engagement, and structure). These 3 elements offered crucial information to understand and characterise these actors (Chapter 3 Section 3) as it covered aspects related to the field they are working in, as well as organisational structure. This framework assisted in filling the gaps identified in Chapter 2, in terms of the FOI and OGD fields, as well as the one recognised in Chapter 3, regarding civil society organisations. This initial refined analytical framework assisted in the understanding of the contributing factors and causes for relative lack of interaction between these two interconnected fields. It also enabled a more comprehensive understanding of the transformation of the organisational features in an ICT-influenced/changing environment. Furthermore, this framework is suitable to analyse international civil society groups in other information-related areas.

2.1 Better understanding of FOI and OGD international advocacy groups

The FOI and OGD movements, even though working with similar resources, information and data, and supporting the diffusion of liberal democracy western values, pursue different goals; they are also motivated by different drivers. The analysis of these features contributes to partially explaining the little interaction between them (this explanation is completed with the elements in the following sections). Thus, Chapter 4 identified the main FOI international groups as highly influenced by classic liberalism, a rights-based discourse and presenting governmental transparency and accountability as their main drivers.

The legalistic rights-based approach behind most FOI groups, together with a static and paper-based interaction with information, explains the focus of these actors' activities on the enactment and initial implementation of FOI legislation. In terms of their use of government-held and produced information, FOI organisations pursued a limited set of outcomes (once the campaigns to enact regulatory frameworks to fulfil the right to access information are successfully completed), which is connected to their watchdog role regarding governments. Thus, their activities have been mostly limited to fact checking and fact confirmation/falsification.

Furthermore, the philosophy and main drivers behind FOI organisations also contributes to explaining a more domestic approach of these

advocacy groups. They are international organisations as they transfer the domestic lessons, features, etc., from one political setting to another but they do not necessarily present a global approach to the topic. These organisations, thus, support domestic partners and/or chapters to hold a particular government to account. This generates a dynamic between civil society organisations and governments than is shaped by the duty of compliance expected by FOI advocates.

This legal emphasis also explains the need for legally aware users to not only request and access certain information, which generally requires some knowledge of the structure and workings of governments, but also to make use of it. ICT contributed to ease the burden of requesting information by enabling the development of online platforms, however, the knowledge to understand which particular information and where to request and also to understand the legal jargon included in government's documents is still a barrier for most citizens.

On the other side, the inherent influence of ICT in OGD initiatives, as documented, explains those organizations focus on the products resulting from the reuse of the data. The influence of the hackers' ethic, and all the values and the philosophical background associated with it, provided the explanation for their focus on data reuse, enabled by the opportunities offered by ICT. This focus is also enhanced by the availability of a greater volume of data, in comparison to the period in which FOI groups were created, and the collaborative instead of confrontational approach towards

government officials.

Furthermore, in contrast to FOI advocates, OGD advocates tend to see governments as sources of useful data, which can result in a large variety of products. Hence, they look for more cooperative relationships with governments in a proactive disclosure scenario. Thus, the difference partially resides in the fact that, so far, the latest groups of actors work with the data the governments are willing to disclose. This generates a different dynamic between civil society organisations and governments than the one shaped by the duty of compliance, expected by FOI advocates.

Thus, the influence of classic liberalism imprinted in rights-based FOI organisations and the utilitarian vision of OGD groups decreases the possibilities of a more fluent interaction between the actors in these two interconnected fields. Even though the influence of the two liberal philosophical backgrounds explained most of the features of the organisations in each of the fields, it lacked some explanatory powers to understand some of the structural features of recently created organisations, in particular within the FOI field.

2.2 ICT and its differential influence

Besides the contributions to FOI and OGD literature and fields, the understanding of the rationale behind the current debates between these two information-related fields opens up many lines of further research.

Thus, despite their particularities, FOI and OGD advocacy groups not only present distinctive philosophical backgrounds and pursue different goals, their divergences also relate to the specific information environment in which they operate. Differences between these two groups and, the divergences in the informational environments were analysed through this thesis. Through a detailed analysis of the role and features of the main INGOs in FOI and OGD, this thesis reveals that ICT is a major contributing factor explaining the differences between these two fields.

Because of the particularities of this research²⁶⁴, this thesis overlapped with several streams of thinking about information flow and distribution, the spread of ideas and the relationship with developments in ICT in the transforming of the operations of information environments. While the exploration of these overlapping areas, or the analysis of their interaction, was not the primary purpose of the thesis, nevertheless it has emerged as an important secondary theme and a potential key element for future research of governmental information ecosystems.

INGOs in these two fields work with government-held and produced informational resources and they both share a liberal worldview with emphasis on the importance of democratic western values. However, developments in ICT offered an explanation for the changes in information

²⁶⁴ As mentioned in Chapter 1, whilst the author was supervised by two legal academics in a law school the adopted approach has been more public policy orientated and multi-disciplinary. Furthermore, this thesis followed a non-traditional pathway in terms of its generation, approach and the author's participant role at various key events, debates and stages of the development of INGOs studied in this thesis

and communication environments, and thus for the little interaction between the actors in these two fields.

ICT has exerted a twofold influence over these organisations, and thus the entire fields. The first type of influence relates to the diffusion of the values attached to these technological developments. Thus, the fundamental divide between FOI and OGD groups appears to stem from influence of a legalistic right-based discourse of FOI organisation and the hackers' ethical values of OGD groups. This first sort of influence is the most relevant as it provides the explanation to understand the limited interaction between these two sets of organisation, as explored in Chapter 6.

By understanding this differential and twofold influence, this thesis offers not only a greater understanding of the divide between these two sets of organisations but it also offers a more detailed understanding of the diversity of the groups within each of the fields. Even though the professional/philosophical background of the members and funders of these groups explain most of differences, other unique features arise from the periods in which each of the groups was created. The latter is clearly connected to the differential influence of ICT depending on the predominance of a paper-based or digital period (before or after the mass diffusion of ICT tools) and thus the adoption of these tools to enhance communication and information management.

As the informational environment has changed because of the influence of ICT in all communication and information areas, so did organisational structure of some of the FOI organisations that were created after the second half of the 2000s. ICT developments allowed for flatter and more flexible structures.

This differential influence of ICT over the organisations, in terms of the influence of ICT tools in the period they were created, provides the necessary explanation for those newly created organisations. These organisation, such as CLD and also Access-Info²⁶⁵, despite pursuing transparency and accountability goals and presenting a tendency to confrontation with governments more than cooperation, are structured in a more flexible and flatter way (closer to post-bureaucracy organisational types). They are some of the organisations that are better positioned to connect with some other OGD organisations. Their understanding of ICT tools as well as ICT related topics, for example the connections with the digital rights' field, positions them slightly closer to their OGD counterparts without losing their identity.

Thus, newly created organisations, despite their professional background, in the context of a network society, tend to work in closer collaboration with others, outside and within organisations. They also tend to be more flexible and adapt to new methods of operation more easily.

²⁶⁵Because of their focus on just one particular region, they were not included as organisations to detailed analyse in this thesis.

In particular, an interesting line of study opens up when the analysis of the changes in information environment within each of the advocates started to operate is linked to Pentland's (2014) analysis of the concept and understanding of flow of ideas and the production of social structures. Pentland's main argument relates to the idea that the flow of ideas and collaboration is enhanced, and possibly even transformed where there is the presence of higher levels of social engagement, contact and shared purpose (Pentland 2014). In this context, Pentland suggests that digital networks perform poorly in the spread of ideas in contrast to when physical social engagement is fostered around coffee breaks and water cooler encounters. In contrast, this thesis has maintained that it was the level and type of ICT engagement that was a key and positive difference between the dynamics and structures of FOI and OGD INGOS. In this context, if FOI and OGD INGOS are examined through the lens of social engagement and idea flow, a number of points emerge that are consistent with the main elements or analysis of this thesis.

FOI groups were formed in the context of low levels of social engagement, idea flow and were largely, responders to their information environment²⁶⁶. Early FOI advocates were mostly operating in a paper based-era (pre-digital operations) where the disclosure was based on the governmental response to a particular request, and thus the benefits of that disclosure were individual. The end product was generally envisaged for a single user for a single use. In particular, the members of these organisations, as

²⁶⁶ This is a key point of Xiao (2011) work on FOI in China.

well as individual advocates and academics, especially during the first and second stage of the FOI story, relied heavily on slow postal communication that restricted the pace, volume, reaction and feedback on ideas about accessing and using government information. Furthermore, adding to restricted global communication channels, these early advocates had limited opportunities for face-to-face collaboration. Conferences, seminars and workshops for FOI specialists became usual forums to exchange of ideas at the end of the third stage of FOI, when international organisations started to become popular actors within the FOI scene, as explored in Chapter 4 (Section 2).

In contrast, OGD groups started their organisational life in a digital environment where the information was proactively disclosed (sometimes not in the expected formats though) and where the information was available for all users. Despite this more widespread availability, the particular skills to interpret and reuse the published data made it necessary for technical intermediaries to produce applications. However, those applications are, in many cases, those which enable access and use by a large, not so technology savvy, population.

Because of the impact of the hacker ethos on OGD groups, they consider collaboration and engagement as a central feature for the success of their work, either digitally or face to face (the number of offline and online events, forums, workshops is very high, in particular in comparison to their FOI counterparts). These actors form a digitally connected, highly

collaborative community. For example, the Latin American OGD community has created mobile instant messaging groups to constantly communicate with each other. This type of interaction has created professional and personal bonds that enhance the interaction, feedback and mobility between OGD advocates from different areas and countries of this particular region.

Furthermore, in terms of engagement and the ideas coming from it, OGD INGOs are sources of, and major contributors to, idea flow and creativity in the access to, use and reuse of, and further creation/collection of government information. Their counterparts in governments acknowledge this contribution, e.g., many spaces for co-creation, engagement and innovation are created within public institutions (from events to collaboratively approach problems to permanent spaces such as Innovation Labs). In contrast, FOI INGOs have been slower to adapt in the areas of idea flow and creativity. This, again, relates to the information environment in which the field started to be developed. For a significant period, they needed to focus on developing universalistic standards of accessing government information. Innovations in legislation, policy design or administrative practice were resisted or restricted to a minimal role. Indeed, it is only in recent years, as shown in Chapter 4 (sections 2 and 3), that FOI groups have moved towards other outputs involving implementation, improved government information delivery and concepts such as FOI 2.0. Nevertheless, FOI INGOs are still far less receptive to common practices or reforms pushed by OGD groups.

The passage from one type of environment to the other produces not only quantitative (more information and data available) but also transformative and qualitative changes. This thesis would tend to confirm, albeit to a minor degree, this idea. INGOs (largely OGD but not exclusively) that were created in a very different information environment have in terms of creativity, innovation, and variety of outputs outperformed the more legalistic and less pluralistic FOI INGOs.

Furthermore, applying Pentland's (2014) concept of 'ideas factories' (p.157), FOI organisations can be described as traditional, large scale, uniform, single-product focused and stand alone entities while their OGD counterparts can be characterized as modern (digital), variable but generally small scale, networked, focused on idea generation, and pre-disposed to collective effort (hacker ethos).

Most of the distinguishing features separating FOI and OGD organizations are the product of their philosophical background (legal rights-based vs. hackers ethos) as well as the differential influence of ICT. However, some of the features (size, level of bureaucratisation) might be also the product of the stage of organisational life. The potential change of OGD organisations into large bureaucratised entities as they grow over time, together with the adaptation of FOI organisations to digital dominated information environments, are all features that still need to be explored in the years to come.

3. PRACTITIONERS LEVEL

While the previous section outlined some of the topics to be further explored in the academic field, the contributions of this study go beyond the gaps in academic literature. The exploration of the debates between actors in these two fields, together with the differential influence of ICT in the workings of all actors, especially in areas related to managing information, are key elements for the development of both fields. This thesis offered insights in terms of the informational environments that more traditional FOI organisations are facing as ICT tools has impacted all informational environments, including governmental information.

Furthermore, this study not only goes beyond the gaps in the literature but also goes beyond the use of traditional sources of information. This thesis draws heavily upon interactions, dialogue and collaboration with both FOI and OGD practitioners in a large number of events and forums during the course of the study (Appendix 1). In addition organisational reports, websites and online discussions (Chapters 4 and 5) were relied upon. As commented on previously (Chapter 6) this active involvement contributed to some of the changes taking place in the nature and type of discussions involving these INGOs in the last couple of years. This dissertation was supported by the information resulted from the close interaction with practitioners from both fields in a myriad of events from both fields, as indicated in (Appendix 1. Thus, this study contributed with important information and analysis in different levels and for a multiplicity of actors.

This thesis embarked upon addressing the need for a greater understanding of civil society organisations, with a particular focus on INGOs, engaged in accessing government-held information. In the process, this research confirmed the existence of a set of divergences and a significant gap in what would have been presumed to be significant areas of co-operation and joint enterprise between FOI and OGD organisations. Therefore it is reasonable for an active researcher in this field to suggest what can be done.

Despite the limited interaction, because of the divergences in terms of professional and philosophical background and the differential influence of ICT over these actors in these fields, there are practical and academic issues that will be benefited if they are addressed by a joint approach from both fields.

At practitioner level, the elements of action-research behind this thesis have contributed to highlight the importance of the collaboration of civil society actors working in both agendas, FOI and OGD, in some particular overlapping issues. One particularly important topic where actors from both fields could collaborate is in gaining access to datasets that governments do not wish to proactively publish, for reasons of political sensitivity mostly. Even though OGD advocates, usually, do not work under non-compliance bases they will be benefited of the watchdog attitude towards governments that FOI adopt. It is here that the decades of

experience built up by the FOI community can assist the OGD community. This collaboration can be fostered by creating a physical and intellectual space for these FOI and OGD actors to come together and talk to each other (an space with people talking across each other could provide a better chance of an agreed approach to the disclosure of information and data).

Other important issues, where both communities are involved, deal with privacy (see Chapter 5 Section 7 for more information on these overlapping areas) as well as surveillance. New informational environments surrounding these actors not only bring new opportunities for use and reuse of information and data but also it entails new risks²⁶⁷. There are some areas in which information access and use could potentially lead to some harm, in terms of the exercise of other rights and in terms of physical and virtual safety, should be collectively explored by both communities.

As mentioned, the boundaries of transparency in terms of privacy and personal data protection need to be addressed by actors in both communities/fields (together with the privacy organisations, as well). Despite the new risks that ICT developments posse in terms of wrongful disclosure of information and data, it also contributes to avoid some of the mistakes and to remove some of the barriers that the previous paper-based (or even digital but close formatted) era. This is so ICT provides

²⁶⁷ Some examples, in regard to privacy risks, can be found in the UK and the inhibition to share health data as the constraints that Google needed to place on on-line searches, following the European Court of Justice ruling in 2014.

new tools to protect personal data, for example. It provides the possibility to remove that data from disclosure (especially for large datasets, which were previously done in a crafty way).

Even though some of these issues have been covered in several forums (in particular those focused on Open Government and Open Government Partnership, as well) there is a need to move from discussion to action. Within those actions a comprehensive information rights legal framework should be included. These is one of the first steps that these two communities should take in order to advance on a governmental information environment that allow each of these communities to keep their idiosyncrasy but also understand and complement their skills and approach. New information environments require new information rights frameworks.

Besides the need for joint efforts to work on overlapping issues, in reactive and proactive disclosure, in both fields, in face of the changes in all information environment, it is also crucial for more traditional FOI organisations to understand these new ways of managing and use information. Data Literacy, as the ability to use and analyse data, according to Slater (2016, January 8), constitutes a skill that these more traditional organisations need to incorporate to better understand these new tools to manage and use government information. This mass diffusion of, at least, some basic skills not only will contribute to the performance of

these organisations but also to slowly start closing the digital divide (Gurstein 2011).

The issues related to greater 'data literacy' are closely related to the field of records management, as well. These changes in information environment should be joined by transformations in how the information is storage and manage (Shepherd 2015). Despite the idea of updating record management systems seems an obvious remark, this is an important area that it is usually left unattended in FOI and OGD conversations and debates as well as it is not properly approached by the international organisations working in both fields. Without proper systems to manage information and data these fields would not have the basic resources to advance in these areas. As mentioned by Snell and Sebina (2007 p.58), it is necessary to build information systems versatile and dynamic enough to cope with the changes over time.

The differential influence, in terms of philosophical background of civil society actors, in each of the fields will remain a source of divergence. However, without losing their own identity and approach to information and also towards governments, they also need to start adapting to news tools to access and use of information. This is so because of the rapid pace in which ICT tools have started to modify the channels and skills necessary to access and use information and data. This study has offered the analytical overview of the differential influence of ICT not only over organisations in different fields but also upon groups in the same field.

Thus, it is vital to work, and not only in a theoretical and conceptual level, on how FOI organisations, with a more bureaucratic imprint in comparison to some of the OGD organisations, will adapt to the changing environment. It is also crucial to reflect on the large number of marginalised and disconnected populations (Gurstein 2011) that might not have access to any type of information and data in a paperless government (Roberts 2006). Many questions arise and thus, more focused research is needed on the topic.

4. CONCLUSION

The findings about the similarities and divergences between these two fields, in particular these key international civil society advocacy groups, provides an explanation for the minimal interaction between these fields. Not only do these findings allow future researchers and practitioners to better understand these actors but the outcomes of this thesis also offer evidence for the differential ICT influence over information and communication related fields and actors. This diversity in the impact these technologies exert over different fields and actors provided the needed conceptual foundations to understand the different areas in the governmental information-related fields.

In terms of literature, this thesis contributes along with Xiao (2011), Berliner (2012), Stubbs (2012) and Snell and McDonald (2015) in providing a pluralistic view - away from the traditional legal approach to the

topic of access and use of government-held information. Hence, this thesis is another example of the contribution that could be made when adopting a more pluralistic approach to the topics.

After a detailed analysis of the role and features of the main INGOs in FOI and OGD, this thesis demonstrates that the differential influence of ICT is a major contributing factor to important philosophical, structural and operational differences between these two fields. Thus, in addition to the overview of the developmental stages in the different fields and the international actors working in the areas, this thesis also focused on the analysis of the dynamics of the relationship between the fields and the principal factors that were the main contributors to that relationship. By focusing on the relationship, this study also reconfirms the 'information polity' concept expressed by Taylor and William (1990) as it emphasizes the role of information in the changing system of relationships.

From this research many lines of research as well as work at the practitioners' level open up. The rapid pace in which ICT developments are changing the communication and information environments demands that further research and activities should be pursued in the near future. This research has provided the baseline and it took the first steps, however, many relevant areas, in practical and conceptual terms, are in need of further exploration.

Lastly, it is also important to stress the importance to include elements of action research models in these novel fields. Not only OGD but also FOI literature has been limited in many aspects. Thus, in this context, the involvement of researchers in the actual field of study provides a different perspective and it has a double impact. In the first place, researchers provide new ideas and analysis. Secondly, they inevitably influence the fields themselves by putting some topics in the spotlight and, probably by opening new agendas of work and, as in this case, collaborations.

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<http://chrisherwig.org/data-src/pdf/91ca678f-53b5-11e2-8912-5c969d8d366f-designing-software-to-shape-open-government-policy.pdf>

APPENDIXES

APPENDIX 1

Summary of presentations and participations in Conference, Seminars and other international meetings (2012-2015)

2015

Open Government Partnership Global Meeting 2015. (Mexico DF- September 28-29)

<http://silvanafumega.blogspot.com.ar/2015/11/building-bridges-between-access-to.html>

<http://silvanafumega.blogspot.com.ar/2015/11/construyendo-puentes-entre-las.html>

Civil Society Day. Open Government Partnership Global Meeting 2015.
(Mexico DF- September 27)

<http://silvanafumega.blogspot.com.ar/2015/11/some-comments-on-workshop-with-freedom.html>

<http://silvanafumega.blogspot.com.ar/2015/11/algunas-reflexiones-sobre-el-taller-con.html>

Condatos 2015 (Santiago, Chile- September 8-9) and **Abrelatam 2015**
(Santiago, Chile- September 7)

<http://silvanafumega.blogspot.com.ar/2015/09/los-desafios-de-la-maduracion.html>

International Open Data Conference 2015 (Ottawa, Canada – May 28-29)

http://silvanafumega.blogspot.com.au/2015/06/iodc15-recount-recuento-de-la_3.html

Open Data Research Symposium (Ottawa, Canada – May 27)

<http://silvanafumega.blogspot.com.au/2015/05/right-to-data-rti-open-formats-reuse.html>

RightsCon 2015 (Manila, Philippines – (March 24-25)

<http://labs.webfoundation.org/see-you-at-rightscon/>

ICIC 2015 (Santiago, Chile- April 22- 23)

<http://200.91.44.244/silvana-fumega/consejo/2015-03-19/173622.html>

2014

Open Data in Developing Countries: Research Sharing and OKFest 2014

(Berlin - July 14-17)

<http://us2.campaign->

archive1.com/?u=809a8ec57d058d7fbcabbb980&id=8d3d560456

<http://opendataresearch.org/content/2014/717/exploring-emerging-impacts-open-data-developing-countries-network-meeting-open>

Condatos 2014 (Mexico DF- September 9-10)

<http://silvanafumega.blogspot.com.au/2014/10/breve-resumen-de-la-charla.html>

Abrelatam 2014 (Mexico DF- September 8)

<http://silvanafumega.blogspot.com.au/2014/10/esta-vez-las-noticias-han-llegado.html>

Transparency Camp 2014 (Washington DC- May 30-31)

<http://transparencycamp.org/schedule/2014/open-data-for-accountability-a-global-dialogue/>

<http://transparencycamp.org/schedule/2014/open-data-experiences-from-the-south/>

2013

OGP- Global Summit (London- October 31- November 1)

<http://silvanafumega.blogspot.com.au/2013/11/ogp13-or-festival-of->

transparency-and.html

<http://www.opengovpartnership.org/get-involved/london-summit-2013/agenda/session/open-cities-and-smart-citizens>

IV GIGAPP- (Madrid – September 23-25)

<http://www.gigapp.org/index.php/grupos-de-trabajo-2015?view=project&task=show&id=10>

[http://www.inap.es/alfresco/d/d/workspace/SpacesStore/a00b69fd-9d30-4618-b760-](http://www.inap.es/alfresco/d/d/workspace/SpacesStore/a00b69fd-9d30-4618-b760-30c5314f7748/Programa_IV_Congreso_Internacional_GIGAPP.pdf)

[30c5314f7748/Programa_IV_Congreso_Internacional_GIGAPP.pdf](http://www.inap.es/alfresco/d/d/workspace/SpacesStore/a00b69fd-9d30-4618-b760-30c5314f7748/Programa_IV_Congreso_Internacional_GIGAPP.pdf)

OKCon (Geneva- September 17-18)

<http://okcon.org/about/>

<http://www.slideshare.net/OKCon2013/open-government-data-updates-from-around-the-world>

Open Knowledge Public Lecture Tour featuring Dr. Rufus Pollock founder of the Open Knowledge Foundation (Meeting with OKFNAU and Rufus Pollock) (Melbourne – September 1-2)

<http://silvanafumega.blogspot.com.ar/2013/11/normal-0-false-false-false-en-us-ja-x.html>

<http://au.okfn.org/2013/06/27/rufus-pollock-australia-tour/>

Organisation of “Opening the cities- Wokshop” (Montevideo, June 29)

<http://silvanafumega.blogspot.com.au/2013/12/opening-cities-case-of-city-of-buenos.html>

<http://silvanafumega.blogspot.com.au/2014/01/working-together-some-considerations.html>

Condatos 2013 (Montevideo, June 27) and **Abrelatam 2013** (Montevideo, June 25)

“ONGs y desarrolladores”

“Impacto”

http://wiki.abrelatam.org/index.php/Agenda_2013

OGP- Latin American Regional meeting (Santiago, Chile – January 10-12)

<http://www.ogphub.org/blog/latin-american-civil-society-actively-participates-in-regional-ogp-event-in-chile/>

2012

OKFest 2012- Helsinki – (September 18-21)

<https://www.youtube.com/watch?v=dFOSRmf7uMs>

First Australian Govhack amd Govcamp – (Canberra -June 4-5)

<http://webcache.googleusercontent.com/search?q=cache:7lci9gGglggJ:digital.buenosaires.gob.ar/algunas-notas-del-govcamp-2012-canberra/+&cd=1&hl=en&ct=clnk&gl=au>

APPENDIX 2

Publications contained material from this thesis as well as some byproducts of this research (2012-2016)

Books' Chapter:

Fumega, S and F. Scrollini (2014) Designing Open Data Policies in Latin America. In Welp, Y. and A. Breuer (Eds). *Digital Technologies for Democratic Governance in Latin America. Opportunities and Risks*. New York, NY: Routledge. 56-71.

Fumega, S. and F. Scrollini (2013). Primeros Aportes para Diseños de Políticas de Datos Abiertos en América Latina. In Ramírez Alujas, A., Hoffman, A., and J. A. Bojorquez. *La Promesa del Gobierno Abierto*. Retrieved from: <http://lapromesadelgobiernoabierto.info> 226-257 (Second edition in: *Derecho Comparado de la Información* 21(1). Mexico: UNAM Retrieved from: <http://biblio.juridicas.unam.mx/revista/pdf/DerechoInformacion/21/art/art1.pdf>

Reports/Working papers

Fumega, S and M. Mendiburu (2016) *Transparencia Activa y Legislación sobre Acceso a la Información Pública. Una aproximación desde Brasil, Chile y México*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA).

Fumega, S and M. Mendiburu (2015) *Use and Compliance with Access to Information Laws: experiences in Brazil, Chile and Mexico*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA). Retrieved from: http://redrta.cpllt.cl/_public/public/folder_attachment/a9/1a/1a8f_1b22.pdf

Fumega, S (2015) *Understanding Two Mechanisms to Access Government Information and Data Around the World*. Open Data for Developing Countries. Phase 2. Web Foundation and IDRC. Retrieved from: <http://webfoundation.org/wp-content/uploads/2015/08/UnderstandingTwoMechanismsforAccessingGovernmentInformationandData.pdf>

Fumega, S and M. Mendiburu (2015) *Use and Compliance with Access to Information Laws: experiences in Brazil, Chile and Mexico*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA). Retrieved from: http://redrta.cpllt.cl/_public/public/folder_attachment/a9/1a/1a8f_1b22.pdf

Fumega, S and M. Mendiburu (2015) *Uso y Cumplimiento de Legislación sobre Acceso a la Información Pública: las experiencias sobre datos de desempeño en Brasil, Chile y México*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA). Retrieved from: http://redrta.cpllt.cl/_public/public/folder_attachment/a6/1a/1a8c_c2c4.pdf

Fumega, S (2015) *Information & Communication Technologies and Access to Public Information Laws*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA). Retrieved from: http://redrta.cpllt.cl/_public/public/folder_attachment/a5/1a/1a8b_42ea.pdf

Fumega, S (2014) *El uso de las Tecnologías de la Información y Comunicación para la Implementación de Leyes de Acceso a la Información Pública*. Washington, DC: World Bank and Transparency and Access to Information Network (RTA).

Retrieved from:
http://redrta.cplt.cl/_public/public/folder_attachment/55/1a/1a3b_6f48.pdf

Fumega, S. (2014) *Opening the Cities. City of Buenos Aires Open Government Data initiative*. Exploring the Emerging Impacts of Open Data in Developing Countries. Web Foundation and IDRC. Retrieved from:
<http://www.opendataresearch.org/content/2014/663/city-buenos-aires-open-government-data-initiative>

Davies, T. and S. Fumega (2014). *Mixed Incentives: Adopting ICT innovations for transparency, accountability, and anti-corruption*. U4 Issue 2014 (4). Bergen: Chr. Michelsen Institute. Retrieved from: <http://www.cmi.no/publications/file/5172-mixed-incentives.pdf>

Blog posts -third parties (author's personal blog posts are included in Appendix 1)

Fumega, S. (2013, September 22). OGD and FOI: Different Approaches To Government Information And Data. *OGP Civil Society Hub, Open Government Partnership Independent Civil Society Coordination team*. Retrieved from:
<http://www.ogphub.org/blog/ogd-and-foi-different-approaches-to-government-information-and-data/>

Fumega, S. and F. Scrollini (2012, March 7). El rol de las TICs y la Alianza de Gobierno Abierto. *OGP Civil Society Hub, Open Government Partnership Independent Civil Society Coordination team*. Retrieved from: <http://gobabierto.tumblr.com/post/18905056344/el-rol-de-las-tics-y-la-alianza-de-gobierno>

Scrollini, F. and S. Fumega (2012, March 1). La Alianza para el Gobierno Abierto y la necesidad de mejorar los procesos de consulta pública. *OGP Civil Society Hub, Open Government Partnership Independent Civil Society Coordination team*. Retrieved from: <http://gobabierto.tumblr.com/post/18550433472/la-alianza-para-el-gobierno-abierto-y-la-necesidad>

APPENDIX 3- THE DIVERSITY OF NGO ACRONYMS

Extracted from Lewis, D. and N. Kanji (2009). *Non-governmental organizations and development*. Routledge. (pp. 9-10)

1. AGNs Advocacy groups and networks
2. BINGOs Big international NGOs
3. BONGOs Business-organised NGOs
4. CBOs Community-based organisations
5. COME'n'GOs The idea of temporary NGOs following funds!
6. DONGOs Donor-oriented/organised NGOs
7. Dotcause Civil society networks mobilising support through the internet
8. ENGOs Environmental NGOs
9. GDOs Grassroots development organisations
10. GONGOs Government-organised NGOs
11. GRINGOs Government-run (or -inspired) NGOs
12. GROs Grassroots organisations
13. GRSOs Grassroots support organisations
14. GSCOs Global social change organisations
15. GSOs Grassroots support organisations
16. IAs Interest associations
17. IDCIs International development cooperation institutions
18. IOs Intermediate organisations
19. IPOs International/indigenous people's organisations
20. LDAs Local development associations
21. LINGOs Little international NGOs
22. LOs Local organisations
23. MOs Membership organisations
24. MSOs Membership support organisations
25. NGDOs Non-governmental development organisations
26. NGIs Non-governmental interests
27. NGIs Non-governmental individuals
28. NNGOs Northern NGOs

- 29. NPOs Non-profit or not-for-profit organisations
- 30. PDAs Popular development associations
- 31. POs People's organisations
- 32. PSCs Public service contractors
- 33. PSNPOs Paid staff NPOs
- 34. PVDOs Private voluntary development organisations
- 35. PVOs Private voluntary organisations
- 36. QUANGOs Quasi-non-governmental organisations
- 37. RONGOs Royal non-governmental organisations
- 38. RWAs Relief and welfare associations
- 39. SHOs Self-help organisations
- 40. TIOs Technical innovation organisations
- 41. TNGOs Trans-national NGOs
- 42. VDAs Village development associations
- 43. VIs Village institutions
- 44. VNPOs Volunteer non-profit organisations
- 45. VOs Village organisations
- 46. VOs Volunteer organisations